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THE STATE OF OHIO.

GENERAL AND LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTY-FIFTH GENERAL ASSEMBLY,

AT ITS REGULAR SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1902.

VOLUME XCV.

COLUMBUS, OHIO:
PUBLISHED BY STATE AUTHORITY.
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1902.

GENERAL LAWS.

[House Bill No. 106.]

AN ACT

To make sundry appropriation[s] for the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for general assembly.

SECTION 1. That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand ($50,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; three thousand ($3,000) dollars for contingent expenses of the house; three thousand ($3,000) dollars for contingent expenses of the senate.

SECTION 2. This act shall take effect and be in force from and after its passage.

CARL L. NIPPERT,
President of the Senate.
W. S. MCKINNON,
Speaker of the House of Representatives.

Passed January 24, 1902. 1 G

[Senate Bill No. 7.]

AN ACT

To supplement and amend section 2814*a* and to supplement section 2813*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Boards of Equalization:

SECTION 1. That section 2814*a* of the Revised Statutes of Ohio (94 O. L., 247) be supplemented and amended by the following sections with sectional numbering as follows:

Board of revision in Cincinnati and Dayton may continue its sittings until second Monday of March, 1902.

Sec. 2814*aa*. That any decennial city board of equalization for the equalization and revision of real estate, for the decennial period beginning in the year 1900, in any county containing a city of the first grade of the first class, or in any county containing a city of the second grade of the second class, may, if it deem the same necessary to complete its work of revision, continue its sittings as a board of revision, after the fourth Monday of January, 1902, but shall finally close its session, as such board, on or before the second Monday of March, 1902, and that said section 2814*a*,

Repeals.

in so far as it conflicts with this section, be and the same is hereby repealed.

SECTION 2. That section 2813*a* of the Revised Statutes of Ohio be supplemented by the following section with sectional numbering as follows:

Compensation of members of boards in Cincinnati and Cleveland.

Sec. 2813*aa*. Each member of a decennial city board for the equalization of real property in any city of the first or second grade of the first class, who served as such member in the year 1900, or thereafter; or who served as a member of such board while sitting as a board of revision in the year 1901, or who has so served, or shall so serve, in the year 1902, agreeably to the provisions of section 2814*a* of the Revised Statutes shall be entitled to receive compensation for any such services, as a member of either board, for his period of service, and payment of such compensation shall be ordered by the commissioners of the county in the manner hereinafter provided. Where any such board has heretofore employed a stenographer to aid it or its members in their work of equalization or revision, or shall hereafter employ a stenographer for its work of revision, shall be entitled to receive, upon the warrant of the county auditor, such rate of reasonable compensation per day for services heretofore or hereafter rendered, as may be allowed by said board, sitting as a board of revision, and all other compensation above provided for shall be paid out of the county treasury upon the allowance of said board of a reasonable amount made in the manner designated in said section 2813*a* for the allowance of salaries, compensations and expenses therein provided for, upon the order of the county commissioners and the warrant of the county auditor: Provided, that in any county having a city of the first grade of the first class all such compensation including that of such stenographer when so allowed, shall be paid by the county treasurer out of any undistributed taxes in his hands, upon the warrant of the county auditor; and at the semi-annual settlement of the county auditor with the county treasurer for taxes collected, next following any such payment, the auditor shall credit the treasurer with the gross amount so paid by him, and shall deduct a like amount from the amount of taxes apportioned to the general fund of the county, and he shall certify and credit the balance thereof, after such deduction, to the county in the manner required by sections 1043 and 1047 of the Revised Statutes. For the reimbursement of said fund, the county commissioners shall, at their June session of the year 1902, levy a tax upon the taxable property of the county in addition to the amounts otherwise authorized, sufficient in amount for said purpose, and at the settlements of the tax collections for the year 1902, the county auditor shall apportion from the taxes collected on said levy, to the general county fund, the amount deducted as above provided, and any residue of tax, in excess of such apportionment, shall be transferred to the sinking fund in the manner prescribed by

Compensation of stenographer.

From what fund compensation paid in Cincinnati.

Reimbursement of said fund; levy for.

section 1007 of the Revised Statutes: Provided, further, that in any county having a city of the second grade of the first class, for the reimbursement for all such compensation, so allowed and paid, the county commissioners shall, at their June session of the year 1902, levy a tax upon the taxable property of the county in addition to the amounts otherwise authorized by law, sufficient in amount for said purpose, and at the settlements of the tax collections for the year 1902, the county auditor shall apportion from the taxes collected on said levy to the general county fund the amount used as above provided for.

Reimbursement of fund in Cleveland.

SECTION 3. That the provisions of sections 1365-1, 1365-2, 1365-3, 1341, 1345 and 1346 of the Revised Statutes shall not apply to the compensation provided for by this act, or provided for by section 2813*a*, of the Revised Statutes, for the year 1900 and thereafter, and that the provisions of said Section 2813a, which excepts the members of a decennial city board of equalization of cities of the first grade and second grade of the first class from receiving any compensation for the performance of their duties as such members or as members of the board of revision, be and the same is hereby repealed, and in any county having a city of any such grade and class the employment, heretofore, of any person by its commissioners to prepare any legislative bill or bills relating to taxation or county finances shall be valid and binding upon such county for the amount agreed to be paid, not exceeding in the aggregate five hundred dollars for all such services in any such county.

Certain sections of Revised Statutes shall not apply.

Repeals.

Compensation for preparing legislative bill.

SECTION 4. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed January 24, 1902. 2 G

[Senate Bill No. 45.]

AN ACT

To supplement section 2729*a* of the Revised Statutes passed January 29, 1885.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2729*a* of the Revised Statutes of Ohio as passed January 1885 (82 V. 9) be supplemented by section 2729*a*-1 as follows:

Sinking Fund:

Sec. 2729*a*-1. The trustees of the sinking fund in cities of the first grade of the first class shall have power to make, issue and sell bonds of the kind and character described in section 2729*a* and 2729*b*, Revised Statutes

Trustees of, in Cincinnati authorized to issue bonds.

Purpose.

passed January 29th 1885 (82 V. 9) in the manner and subject to the conditions prescribed in said section, for the purpose of the payment, renewal or extension of all or any part of the existing bonded debt of the city, (exclusive of street improvement bonds of the city) which from any reason they may be unable to pay at maturity.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 4, 1902. 3 G

[House Bill No. 20.]

AN ACT

To authorize agricultural societies to dispose of real estate to be used for the purpose of erecting and maintaining thereon an engine and [or] hosehouse.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations:

SECTION 1. When a county agricultural society has purchased real estate, as a site whereon to hold fairs, or where the title to the grounds is vested in fee simple, in the county, but the society has the control and management of the lands and buildings; and all or a part of said real estate is situated within the corporate limits of any city or village, such agricultural society may, with the consent and approval of the county commissioners, give to such city or village, by deed, a lot or strip of ground, not more than fifty feet in width by two hundred feet in length, to be held by such city or village, in fee simple, for the purpose of erecting and maintaining thereon a fire engine or hose house, to be used in connection with the fire department of such city or village. The lot, so donated, shall abut on a public street or highway and shall be located in such part of the fair grounds as the society may direct.

County agricultural society may donate land to municipality for certain purposes.

SECTION 2. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 4, 1902. 4G

[House Bill No. 43.]

AN ACT

To authorize the board of trustees of the boys' industrial school to sell power.

Be it enacted by the General Assembly of the State of Ohio:

Boys' industrial school: Trustees of, authorized to sell power.

SECTION 1. That the board of trustees of the boys' industrial school be and the same is hereby authorized to sell by contract power, from the power plant in said institution.

How proceeds to be used.

SECTION 2. That the proceeds of such contract of sale may be used for the purposes of the institution, under section 763 of the Revised Statutes of Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 4, 1902. 5 G

[House Bill No. 187.]

AN ACT

To supplement section 4009 of the Revised Statutes by enacting supplemental section 4009-21.

Be it enacted by the General Assembly of the State of Ohio:

Schools and attendance enforced:

SECTION 1. That section 4009 of the Revised Statutes be supplemented by the enaction of supplemental section 4009-21 as follows:

Discontinuance of subdistrict schools; transfer of pupils.

Sec. 4009-21. That, whenever any township or joint township high school district shall have been formed agreeably to the provisions of an act passed April 25, 1898 and found on page 281, 93 Ohio Laws, and the board of education have purchased a site and erected a school building or are now erecting such building and have made provision for schools agreeable to said act, the township board of education may and hereby are authorized to discontinue the subdistrict schools of such township or townships and make such provision for the conveyance of the pupils of such township or joint township high school district to the school or schools as aforesaid provided for them, and pay the expenses of such conveyance of the pupils out of the contingent fund of the township district in which such school is located, according to the provisions of section 3921 of the Revised Statutes.

How expense to be defrayed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 7, 1902. 6 G

[House Bill No. 262.]

AN ACT

To amend section 1284 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Salaries of state officers:

SECTION 1. That section 1284 of the Revised Statutes of Ohio be amended so as to read as follows:

Salaries of state and other officers.

Sec. 1284. (Salaries of state and other officers). Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; private secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant general, two thousand dollars; assistant adjutant general, fifteen hundred dollars; lieutenant governor, eight hundred dollars; judges of the supreme court and supreme court commission, six thousand dollars each; judges of the common pleas courts and of the superior courts, twenty-five hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state three thousand dollars; attorney general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each, four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matron of same, four hundred dollars; superintendents of asylums for the insane, each, twelve hundred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each, four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girl's industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eighteen hundred dollars; and state commissioner of common schools, two thousand dollars.

SECTION 2. That said original section 1284 be and the same hereby is repealed; and this act shall take effect from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 7, 1902. 7 G

[House Bill No. 278.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit: Appropriations for sundry purposes.

Adjutant-General's Department.

Expenses of inauguration $1,796 69

State House and Grounds.

Fuel $1,500 00
Care and repair heating apparatus..... 200 00
Electric current for lighting and power purposes. 1,102 00

Auditor of State.

Collecting excise taxes $117 00

State Board of Agriculture.

Encouragement of agriculture $1,500 00

Board of State Charities.

Expenses of Board $384 00

Canal Commission.

Expenses of commission $75 00

Commissioner of Common Schools.

For typewriter $87 75

Dairy and Food Commissioner.

Office furniture and repairs $762 00

Examiner of Steam Engineers.

Contingent expenses $496 00

Fish and Game Commission.

Expenses of commission $2,109 00

Governor.

Furniture $60 00

Secretary of State.

Contingent expenses $165 00
Furniture 85 00

Supervisor of Public Printing.

State binding $600 00

Supreme Court.

Furniture and furnishings $828 00

Legislature.

For platforms for house and senate $1,410 00

State Board of Pharmacy.

Balances and receipts .....

Columbus State Hospital.

Carpets and furniture $988 14

Massillon State Hospital.

Ordinary repairs and improvements $137 50
Trustees' expenses 488 44

Toledo State Hospital.

Current expenses $8,000 00

Boys' Industrial School.

Current expenses $6,910 00

Institution for the Education of the Deaf and Dumb.

Current expenses $1,500 00
Salaries of teachers 1,450 00

Ohio Hospital for Epileptics.

Current expenses $20,000 00
Ordinary repairs and improvements 1,000 00

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 13, 1902. 8G

[House Bill No. 64.]

AN ACT

To amend section 4398*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4398*a* of the Revised Statutes be so amended as to read as follows: Peddlers and dealers:

Sec. 4398a. (Fee paid by honorably discharged soldier or sailor for peddler's license). Any applicant for license, as provided for in section 4398 preceding, who proves to the satisfaction of the auditor to whom such application is made that the applicant has served as a soldier or sailor in the service of the United States during the late rebellion or Spanish American war, and has been honorably discharged therefrom, shall pay for such license, to such auditor, the sum of fifty cents and no more, which sum of fifty cents shall be the fee of such auditor for issuing such license. Fee to be paid by honorably discharged soldier or sailor for peddler's license.

SECTION 2. That said section 4398*a* of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 13, 1902. 9 G

[House Bill No. 13.]

AN ACT

To amend sections 409-2, 409-3, 409-4, 409-5, and 409-6 of the Revised Statutes of Ohio, providing for the management of the Ohio agricultural experiment station.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 409-2, 409-3, 409-4 409-5, and 409-6 of the Revised Statutes of Ohio be so amended as to read as follows: Agricultural experiment station:

Appointment of board of control by governor. Term and qualifications of members.

Sec. 409-2. The government of said experiment station shall be vested in a board of control, consisting of five members, not more than three of whom shall belong to the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, and whose term of office shall be for five years, except that those first appointed under this act shall hold office for one, two, three, four and five years respectively, the terms to [be] fixed by the governor in their commissions. In case a vacancy shall occur in the board an appointment shall be made by the governor for the unexpired term. The members of the board of control shall be paid their necessary expenses while engaged in the discharge of their official duties, but they shall not receive compensation for their services.

Compensation.

When board to be called together and how to be organized.

Annual meeting.

Sec. 409-3. On the passage of this act the governor shall appoint the board of control and shall at once call them together, when they shall organize by the election of a president, secretary and treasurer. The board shall hold an annual meeting in Columbus during the week beginning with the first Monday in March, and special meetings at other times and places upon a call of the president, or upon a written request of two members of the board. Three members of the board shall constitute a quorum for the transaction of business.

Incorporation of board; powers.

Sec. 409-4. The board of control of said experiment station is hereby constituted a body corporate, with the power of sueing and being sued, of contracting and being contracted with, and of making and using a common seal and altering the same at pleasure; they shall have the power to receive and hold in trust, for the use and benefit of said station, any grant or devise of land, and any donation or bequest of money or personal property, to be applied to the general or special use of the station, as may be directed by the donor; the board shall appoint a director at their meeting on the first Monday in March, 1902, who shall be a person of acknowledged ability and training in the principles and practice of scientific agriculture; they shall adopt by-laws, rules and regulations for the government of [the] station; they shall make an annual report of their experiments and work to the governor of the state and the same shall be published annually in the Ohio agricultural report and five thousand copies separate in pamphlet form for free distribution, and the pamphlet copies to be [printed] and paid for, the same as other public printing; they shall fix the salaries and terms of office of all officers and employes of the station; and they shall have power to remove at any time for cause, sustained by written charges, any officer or employe of the station.

Appointment of director; qualifications.

Annual report.

Powers and duties of director.

Sec. 409-5. The director shall have control of the affairs of the station in all its departments, and shall be responsible to the board of control for the efficient management thereof; with the approval of the board of control he shall appoint such chiefs of department, assistants and

other employes as may be necessary for the proper management of the station, and shall assign them to their respective duties. The director shall have authority to suspend any officer or employe of the station for cause, he at once to report the same, with reasons therefor, to the board of control for final action.

Title of lands, how held.

Sec. 409-6. The title of [all] lands for the use of said experiment station shall be made in fee simple to the state of Ohio, with covenants of seizin and warranty, and no title shall be taken to the state for purposes aforesaid until the attorney general shall be satisfied that the same is free from all defects and incumbrances. The attorney general shall be the legal adviser of said board of control, and shall institute and prosecute all suits in behalf of the same.

Repeals, etc.

SECTION 2. Said original sections 409-2, 409-3, 409-4, 409-5 and 409-6 of the Revised Statutes of Ohio are hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 10G

[House Bill No. 101.]

AN ACT

To substitute section 2825 of the Revised Statutes of Ohio relating to the expenditure of money by county commissioners for the rebuilding etc., of county buildings.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2825 of the Revised Statutes of Ohio, by supplemental section 2825a as follows, be supplemented.

County commissioners shall submit to vote question as to the policy of certain expenditures.

Sec. 2825*a*. Whenever the county commissioners of any county, shall determine to enlarge, repair, improve, or rebuild any public county building except in a city of the first class, or first or second grade of the second class, the entire cost of which expenditure shall exceed ten thousand dollars, before levying any tax or appropriating any money for such expenditure, the question as to the policy of such expenditure shall be first submitted to the voters of the county as provided in section 2825.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 11 G

[House Bill No. 199.]

AN ACT

Making appropriations for the Ohio university, the Miami university, and [for] the normal and industrial department of Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for Ohio university, Miami university, and Wilberforce university.

SECTION 1. That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university, and the normal and industrial department of the Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1902, and the first quarter of the fiscal year ending February 15, 1903, the following sums, to-wit:

For the Ohio university the sum of $35,000.00.

For the Miami university the sum of $25,000.00.

For the normal and industrial department of the Wilberforce university the sum of $20,000.00, and $18,300.00 to pay existing deficiencies.

And for the last three-quarters of the fiscal year ending November 15, 1903, and the first quarter of the fiscal year ending February 15, 1904, the following sums, to-wit:

For the Ohio university the sum of $35,000.00.

For the Miami university the sum of $25,000.00.

For the normal and industrial department of the Wilberforce university the sum of $20,000.00—or so much of said several amounts as may come into the state treasurer [treasury] to the credit of said funds, to be applied to the uses and purposes of [the] said universities, in accordance with the provisions of section 3951, Revised Statutes, as amended March 20, 1891 (O. L., vol. 88, p. 159), and as further amended February 26, 1896 (O. L., vol. 92, p. 40); and an act to amend section 12 of an act passed March 19, 1887, (O. L., vol. 84, p. 127), entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio," passed April 16, 1896 (O. L., vol. 92, p. 156).

SECTION 2. This act shall take effect and be in force on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 12 G

[House Bill No. 178.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio, as amended March 22d 1900, and April 16th 1900 (94 O. L., 66 and 391).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3959 of the Revised Statutes of Ohio be amended to read as follows: School funds:

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class such estimate and levy shall not exceed * * * seven mills on the dollar of valuation of taxable property * * * provided, however, that boards of education in said cities of the second grade of the first class may levy * * * in addition to the seven mills, a tax not to exceed one mill on the dollar of valuation of taxable property within said district which said levy shall be used for the purchase of schoolhouse sites and the erection of school buildings thereon and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings such board of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. And in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property; but a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period if no such paper is published therein. Maximum of levy; exceptions

Repeals, etc.

SECTION 2. Section 3959 of the Revised Statutes of Ohio, as amended March 22nd, 1900, and April 16, 1900, is hereby repealed and this act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 13 G

[House Bill No. 150.]

AN ACT

Making appropriation for the Ohio state university.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Ohio state university.

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio state university fund," not otherwise appropriated for the last three quarters of the fiscal year ending November 15, 1902 and the first quarter of the fiscal year ending November 15, 1903, the sum of one hundred and ninety-six thousand dollars ($196,000), or so much of said sum as may come into the treasury to the credit of said fund; and for the last three quarters of the fiscal year ending November 15, 1903, and the first quarter of the fiscal year ending November 15, 1904, the sum of one hundred and ninety-six thousand dollars ($196,000), or so much of said sum as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university in accordance with the provisions of section 3951 of the Revised Statutes of Ohio as amended March 29, 1900.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 14 G

[House Bill No. 141.]

AN ACT

To supplement section 1692 of the Revised Statutes of Ohio by adding thereto subsection 41.

Be it enacted by the General Assembly of the State of Ohio:

Cities and villages: enumeration of powers

SECTION 1. That Section 1692 of the Revised Statutes of Ohio be and the same is hereby supplemented by adding thereto subsection 41 as follows:

41. To erect and maintain public bath houses.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 15 G

[House Bill No. 80.]

AN ACT

To amend sections 4836*f* and 4836*h* of the Revised Statutes of Ohio, making provision for the repair of improved roads in certain counties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4836*f* and 4836*h* of the Revised Statutes be amended so as to read as follows:

Two-mile assessment pikes (in Lucas county): General tax levies for construction and repair of improved roads.

Sec. 4836*f*. For the purpose of providing by general taxation a fund out of which not less than one-third of the cost and expense of all improvements made under the provisions of this act can be paid, the commissioners of such county are hereby authorized to levy upon the grand duplicate of the county, not exceeding seven-tenths of one mill in any one year upon each dollar of the valuation of the taxable property in such county. And said commissioners shall at all times cause all necessary repairs to be made on such roads already constructed, or hereafter to be constructed or improved for their proper maintenance; and for such purpose may and they are hereby authorized to levy a tax upon the grand duplicate of the county, not exceeding four-tenths of one mill in any one year upon each dollar of the valuation of taxable property in such county. At their March session annually the commissioners shall divide each completed stone road in such county into sections of not more than two miles in length for the purpose of controlling the repairs of such roads. They shall at the same time make an estimate of the amount of materials required to keep each of said sections in proper condition during the next following year and decide upon the most convenient places for having said material delivered. They shall then fix a day on which they will let to the lowest responsible bidder the job of furnishing and delivering the said materials at the place decided upon and of keeping the said sections in repair for the period of one year according to specifications to be submitted to the bidders. They shall require and entertain separate bids for furnishing the material at the designated places of delivery, and for doing the necessary labor in keeping said sections in repair. When the necessary preliminary steps, as herein-

before provided, have been taken, they shall cause three weeks' notice to be given by advertisement and handbills posted up on the lines of said roads, of the time when and place where bids for furnishing and delivering the said material and doing the said work will be received. They shall enter into contract with the sucessful bidder, and shall require good and sufficient bond of him for the faithful performance of the same, reserving the right to terminate each and every contract whenever in their opinion its provisions are not complied with. Before paying for any material furnished under contracts entered into in accordance with the provisions of this section it shall be the duty of the said board of county commissioners to inspect the same as to quality and quantity furnished. And said respective levies shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregrate amount of such levies now in force. The proceeds of the levies hereby authorized to be made, shall be applied and used by the county commissioners in the construction and repair of such macadamized, stone and gravel roads, as the case may be, and for no other purpose, and these funds shall not be subject to distribution to the townships but shall be expended under the direct orders and supervision of the county commissioners. All the proceeds of such stone road building levies and of the sale of any bonds under the provisions of section forty-eight hundred and forty-six, shall be paid to the credit of a fund to be called "the stone road building fund," out of which shall be paid all the costs and expenses of said improvement, except the expense of the preliminary view and survey and the fees of the auditor and commissioner, but the auditor shall keep a separate account of each different improvement in a book to be kept for that purpose. The provisions of "An act to authorize certain cities to build bridges and issue bonds therefor," passed March 4, 1883 (80 Ohio Laws, page 73), requiring all levies upon the property within any city of the third grade of the first class, made by the county commissioners for road purposes, to be paid into the treasury of said city, shall in no wise conflict with the provisions of this act, and shall not be applicable to the levies specifically authorized therein, the proceeds of which are to be applied and used by the county commissioners in the construction and repair of such roads. (88 V. 596; 82 V. 146.)

County commissioners authorized to issue bonds for repair of roads.

Sec. 4836*h*. The commissioners of any such county containing a city of the third grade, first class, are hereby authorized to issue and sell bonds of such county to an amount not in excess of fifteen thousand dollars ($15,000), for the purpose of paying for the repair of macadamized, stone, or gravel roads built under the provisions of [the] said section 4836 and sections supplemental thereto; said bonds to state for what purpose issued, to bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, to mature in not less than ten nor more than twenty years after their issue, and they shall be sold according to law and

for not less than par and accrued interest; the proceeds of such bonds to be applied and used exclusively for the same purposes and in the same manner as a levy of four-tenths of one mill provided for in said supplemental sections; and the interest of such bonds is to be paid from the said levy of four-tenths of one mill or any part of the same.

SECTION 2. That said sections 4836*f* and 4836*h* be and the same are hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902. 16 G

[House Bill No. 62.]

AN ACT

To amend section 4799 Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4799 of the Revised Statutes be so amended as to read as follows: One-mile assessment pikes:

Sec. 4799. All petitions to the county commissioners to appoint commissioners to lay out and establish free turnpike roads and to levy an extra tax for the construction thereof, and all remonstrances against either, shall only be signed by resident freehold taxpayers within the county in which the road is proposed or situated, owning lands within the bounds of the road, as described in section four thousand and seven hundred and eighty-six; and in determining such majorities, minor heirs shall not be counted for or against the road or extra tax, unless represented by legal guardian, and the action of such guardian shall be binding upon such minor heirs, or owners, of an undivided estate, and such guardian shall only be entitled to one vote for or against such road or tax, and the name of any person who has acquired title to any real estate lying within the territory of such proposed road improvement by deed, gift, or in any other manner for the purpose of making such person a petitioner for or a remonstrator against such improvement, shall not be counted in favor of, or against the road, or tax. Who may sign petitions.

SECTION 2. That said section 4799 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902. 17 G

[House Bill No. 276.]

AN ACT

To provide for the payment of bonds and interest on bonds issued by the Ohio state board of agriculture.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay bonds and interest on bonds issued by the Ohio state board of agriculture.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem bonds of said board authorized by act of the general assembly passed April 12, 1898, payable September 1, 1902, eight thousand ($8,000) dollars; to pay one year's interest on the total issue of bonds of eighty thousand ($80,000) dollars authorized by said act, due March 1 and September 1, 1902, four thousand ($4,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1902, twelve thousand ($12,000) dollars; to pay one year's interest on the total issue of bonds of one hundred and twenty thousand ($120,000) dollars, authorized by said act, due March 1, and September 1, 1902, six thousand ($6,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed April 12, 1898, payable September 1, 1903, eight thousand ($8,000) dollars; to pay one year's interest on seventy-two thousand ($72,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, three thousand six hundred ($3,600) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1903, twelve thousand ($12,000) dollars, and to pay one year's interest on one hundred and eight thousand ($108,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, five thousand four hundred ($5,400) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 18 G

[House Bill No. 87.]

AN ACT

To amend section 4902 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Repair of improved roads:

SECTION 1. That section 4902 of the Revised Statutes be amended so as to read as follows:

Sec. 4902. In townships wherein such roads are located and placed under the control of turnpike directors, under the provisions of this chapter, the two days' labor of all those occupying lands whose general outlet is on such turnpikes, shall be performed under the control of the board of directors or their superintendents, subject to all the rules and regulations of law for its performance under the direction of road supervisors, except that such labor shall be performed at any time within the year when called upon by the directors or their superintendents.

When and under whose control road labor to be performed.

SECTION 2. Said original section 4902 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 19 G

[House Bill No. 340.]

AN ACT

Making appropriations to pay deficiencies and liabilities authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay deficiencies and liabilities, as herein specified, to-wit:

Appropriations to pay deficiencies and liabilities authorized by the emergency board.

Adjutant-General.

For salaries policemen, visitors, attendant and regular laborers $1,800 00

Ohio National Guard.

For expenses Akron riots $12,133 19
For expenses of Ohio nationl guard attending funeral of President McKinley..... 69,385 55
For transportation Ohio national guard..... 255 95

Commissioner of Common Schools.

For contingent expenses $248 00

Dairy and Food Commissioner.

For attorney fees and expenses $3,000 00

Appropriation to pay deficiencies and liabilities authorized by the emergency board.

Heating and Ventilating Commission.

For completing heating, ventilating and plumbing in state house.....$10,800 00

Supervisor of Public Printing.

For bindery $3,924 35
For contingent expenses 30 00

Treasurer of State.

For repairs $1,200 00

Live Stock Commission.

For investigating tuberculosis $77 00

Athens State Hospital.

For furnishing cottage for infirm patients.....$1,300 00

Cleveland State Hospital.

For current expenses $5,000 00

Columbus State Hospital.

For drilling wells $3,000 00

Dayton State Hospital.

For repairing and equipping tenement house to accommodate forty patients.....$1,500 00
For water plant 5,000 00

Massillon State Hospital.

For repairs $1,677 33

Toledo State Hospital.

For electric motors.....$6,000 00

Ohio Hosiptal for Epileptics.

For furnishing and heating industrial building...$3,950 00
For completing boiler plant 1,000 00
For current expenses 10,000 00
For ordinary repairs 500 00

Ohio Soldiers' and Sailors' Orphans' Home.

For building water tower $10,318 65
For ordinary repairs 1,481 35
For interest on deficiencies at four per cent., to be paid on approval of the auditor of state.. 2,000 00

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 28, 1902. 20 G

[House Bill No. 458.]

AN ACT

To make sundry appropriations for the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for general assembly.

SECTION 1. That there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of seventy-five thousand ($75,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; three thousand ($3,000) dollars for contingent expenses of the house; two thousand ($2,000) dollars for contingent expenses of the senate.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 28, 1902. 21 G

[House Bill No. 371.]

AN ACT

To make appropriations for the support of the common schools.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for common schools.

SECTION 1. That there be and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of common schools, for the fiscal year ending November 15, 1902, and for the fiscal year ending November 15, 1903, the sum of three million seven hundred thousand ($3,700,000) dollars, or as much as may come into the state treasury for that purpose at a rate not exceeding one dollar and fifty ($1.50) cents, for each enumerated school youth to be distributed and paid in the manner provided by section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 22 G

[House Bill No. 375.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 16, 1902, and the first quarter of the fiscal year ending February 15, 1903.

Be it enacted by the General Assembly of the State of Ohio:

Partial appropriations for 1902 and 1903.

SECTION 1. That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

Adjutant's-General's Department.

Salary of adjutant general	$2,000
Salary of assistant adjutant-general	1,500
Salary of chief clerk	1,400
Salary of five clerks	6,000
Salary of superintendent of state arsenal	1,400
Salary of stenographer	720
Transportation of indigent soldiers	100
Contingent expenses and inspections	625

State House and Grounds.

Salary of superintendent of laborers	$900
Salary of engineer	1,000
Salaries of five firemen	1,000
Salaries of two visitors' attendants	1,400
Salary of janitor of flag room	720
Salaries of two day policemen	1,440
Salaries of two night policemen	1,600
Salaries of ten regular laborers	1,500
Salaries of two elevator attendants	1,200
Extra labor	625
Fuel for state house	1,000
Care and repair heating apparatus	1,000
Electric light for state house and power for elevators and ventilating fans	3,000

Agricultural Experiment Station.

Special work in entomology, botany, chemistry and horticulture	$600
Substations for field experiment	200
General repairs, labor and supplies	500

State Board of Agriculture.

Partial appropriations for 1902 and 1903.

Encouragement of agriculture	$3,000

Attorney General.

Salary of attorney general	$1,500
Salary of assistant attorney general	1,500
Fees on collections	300
Salary of stenographer and stenographic work	1,200
Salary of clerk	900
Contingent expenses	375

Auditor of State.

Salary of auditor of state	$3,000
Salary of chief clerk	2,400
Salary of railroad and bank clerk	1,950
Salary of bookkeeper	1,950
Salary of land clerk	1,500
Salary of canal and trust fund clerk	1,400
Salary of statistician	1,350
Salary of corresponding clerk	800
Salaries of two excise clerks	2,850
Salaries of two transcribing clerks	2,850
Contingent expenses	750

Ohio State Archaeological and Historical Society.

Expenses of society	$750
Field work, Fort Ancient and Serpent Mound	750

State Board of Appraisors and Assessors.

Salaries of members	$4,500
Contingent expenses	250

State Board of Arbitration.

For per diem and expenses of members	$800

Board of State Charities.

Expenses of board	$1,500

Board of Health.

Expenses of board	$3,000

Board of Pardons.

Salaries of members	$3,000
Salary of secretary	300
Expenses of board	200

Partial appropriations for 1908 and 1908.

Board of Public Works.

Salaries of members	$600
Traveling expenses of members	450
Salaries of two engineers	900
Salary of secretary	375
Salary of clerk	175
Contingent expenses	125

Canal Commission.

Salaries of commissioners	$750
Expenses of commission	1,500

Dairy and Food Commissioner.

Salary of commissioner	$2,000
Salaries of two assistant commissioners	2,000
Expense of commissioner	300
Expenses of two assistant commissioners	400
Salary of one clerk	1,200
Salaries of two clerks	1,440
Inspection, analysis and publication	3,000
Attorney fees	2,000
Contingent expenses	250

Fish and Game Commission.

Expenses of commission	$2,000
State fish hatcheries	600
Maintaining pheasantry	800

Bureau of Labor Statistics.

Salary of commissioner	$2,000
Traveling expenses of commissioner	200
Salary of chief clerk	1,300
Salary of stenographer	720
Salary of clerk	720
Salary of clerk	600
Contingent expenses	2,000

Commissioners of Public Printing.

For printing paper	$8,000

Commissioner of Common Schools.

Salary of commissioner	$2,000
Salary of chief clerk	1,750
Salary of statistical clerk	1,500
Salary of corresponding clerk	720
Traveling expenses of commissioner	200
Contingent expenses	200

Commissioner of Railroads and Telegraphs.

Partial appropriations for 1902 and 1903.

Uses and purposes $6,215

Provided however, that said sum shall be deducted from the assessment of railroad companies for 1902 due and payable in the state treasury on or before August 1, 1902, pursuant to "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deductions.

For the uses and purposes of the commissioner of railroads and telegraph offices $15,000, or so much thereof as may be paid into the state treasury pursuant to an act, entitled, "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner	$3,000
Salary of chief clerk	2,400
Salary of chief inspector	1,200
Salary of statistician	1,200
Salary of stenographer	1,200
Salary of deputy inspector	1,200

Department of Soldiers' Claims.

Salary of commissioner	$1,800
Clerk hire	900
Contingent expenses	200

Examiner of Steam Engineers.

Salary of chief examiner	$1,800
Salaries of six district examiners	7,200
Salary of clerk	720
Traveling expenses	1,500
Contingent Expenses	600

Executive Department.

Salary of governor	$8,000
Salary of lieutenant-governor	800
Salary of private secretary	800
Salary of executive clerk	1,800
Salary of commission clerk	1,500
Salary of corresponding clerk	1,500
Contingent expenses, including newspapers	600

Inspector of Mines.

Salary of chief inspector	$2,000
Traveling expenses of chief inspector	100

Partial appropriations for 1902 and 1903.

Salaries of seven district inspectors	8,400
Traveling expenses of seven district inspectors	800
Clerk hire	1,050
Salary of stenographer	600
Contingent expenses	300

Inspector of Workshops and Factories.

Salary of chief inspector	$2,000
Traveling expenses of chief inspector	150
Salaries of eleven district and two bakeshop inspectors and additional salary high explosive inspector	13,800
Traveling expenses eleven district and two bakeshop inspectors	1,500
Clerk hire	4,500
Contigent expenses	300

Judiciary.

Salaries of judges $50,000

Law Library.

Salary of assistant librarian and bookkeeper	$1,200
Salary of assistant librarian	1,000
Salary of messenger	1,000
Salary of porter	600
Contingent expenses	300

Prosecution and Transportation of Convicts

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school $20,000

Prosecution Ohio War Claims against General Government.

Salary of agent	$1,500
Expenses of agent	600

And to state agent, to collect war claims against general government, for commission, as provided for in section 3 of an act passed April 1, 1883 (Vol. 80, page 122, and Vol. 91, page 329), which provisions shall also apply to collections made on account of expenditures in the recent war with Spain.

Secretary of State.

Salary of secretary of state	$2,000
Salary state supervisor of elections	1,000
Salary of chief clerk	2,400
Salary of statistical clerk	1,500
Salary of assistant statistical clerk	1,350

Salary of stationery clerk	1,350	Partial appropriations for 1902 and 1903.
Salary of proof reading clerk	1,350	
Salary of corporation clerk	1,350	
Salary of assistant corporation clerk	1,350	
Salary of recording clerk	1,350	
Salary of superintendent of book room	1,000	
Salary of stenographer	1,350	
Contingent expenses	750	
Distribution of books	750	
Stationery	3,500	

State Library.

Salary of librarian	$1,500
Salary of assistant librarian	1,200
Salary of stenographer	720
Salary of janitor	900
Books and papers	750
Contingent expenses and extra labor	450
Cataloguing	210
Traveling libraries	720

Superintendent of Insurance.

Salary of superintendent	$2,000
Salary of deputy superintendent	1,800
Salary of examining clerk	1,500
Salary of bookkeeper	1,500
Salary of statistical clerk	1,500
Salary of corresponding clerk	1,200
Salary of license clerk	1,000
Salary of mailing clerk	1,000
Salaries of extra clerks	2,300
Salary of janitor	600
Contingent expenses	475

Bureau of Building and Loan Associations.

Salary of inspector	$1,000
Salary of deputy inspector	1,800
Salary of statistician	1,350
Salary of chief clerk	1,200
Salary of clerk	1,000
Salaries of extra clerks	300
Salary of janitor	120
Contingent expenses	125

Supervisor of Public Printing.

State printing	$5,000
State bindery	8,000
Salary of supervisor	2,000
Contingent expenses	200

[House Bill No. 276.]

AN ACT

To provide for the payment of bonds and interest on bonds issued by the Ohio state board of agriculture.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay bonds and interest on bonds issued by the Ohio state board of agriculture.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem bonds of said board authorized by act of the general assembly passed April 12, 1898, payable September 1, 1902, eight thousand ($8,000) dollars; to pay one year's interest on the total issue of bonds of eighty thousand ($80,000) dollars authorized by said act, due March 1 and September 1, 1902, four thousand ($4,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1902, twelve thousand ($12,000) dollars; to pay one year's interest on the total issue of bonds of one hundred and twenty thousand ($120,000) dollars, authorized by said act, due March 1, and September 1, 1902, six thousand ($6,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed April 12, 1898, payable September 1, 1903, eight thousand ($8,000) dollars; to pay one year's interest on seventy-two thousand ($72,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, three thousand six hundred ($3,600) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1903, twelve thousand ($12,000) dollars, and to pay one year's interest on one hundred and eight thousand ($108,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, five thousand four hundred ($5,400) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 18 G

[House Bill No. 87.]

AN ACT

To amend section 4902 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Repair of improved roads:

SECTION 1. That section 4902 of the Revised Statutes be amended so as to read as follows:

Sec. 4902. In townships wherein such roads are located and placed under the control of turnpike directors, under the provisions of this chapter, the two days' labor of all those occupying lands whose general outlet is on such turnpikes, shall be performed under the control of the board of directors or their superintendents, subject to all the rules and regulations of law for its performance under the direction of road supervisors, except that such labor shall be performed at any time within the year when called upon by the directors or their superintendents.

When and under whose control road labor to be performed.

SECTION 2. Said original section 4902 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 19 G

[House Bill No. 340.]

AN ACT

Making appropriations to pay deficiencies and liabilities authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay deficiencies and liabilities, as herein specified, to-wit:

Appropriations to pay deficiencies and liabilities authorized by the emergency board.

Adjutant-General.

For salaries policemen, visitors, attendant and regular laborers $1,800 00

Ohio National Guard.

For expenses Akron riots $12,133 19
For expenses of Ohio nationl guard attending funeral of President McKinley..... 69,385 55
For transportation Ohio national guard..... 255 95

Commissioner of Common Schools.

For contingent expenses $248 00

Dairy and Food Commissioner.

For attorney fees and expenses $3,000 00

[House Bill No. 276.]

AN ACT

To provide for the payment of bonds and interest on bonds issued by the Ohio state board of agriculture.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay bonds and interest on bonds issued by the Ohio state board of agriculture.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem bonds of said board authorized by act of the general assembly passed April 12, 1898, payable September 1, 1902, eight thousand ($8,000) dollars; to pay one year's interest on the total issue of bonds of eighty thousand ($80,000) dollars authorized by said act, due March 1 and September 1, 1902, four thousand ($4,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1902, twelve thousand ($12,000) dollars; to pay one year's interest on the total issue of bonds of one hundred and twenty thousand ($120,000) dollars, authorized by said act, due March 1, and September 1, 1902, six thousand ($6,000) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed April 12, 1898, payable September 1, 1903, eight thousand ($8,000) dollars; to pay one year's interest on seventy-two thousand ($72,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, three thousand six hundred ($3,600) dollars; to redeem bonds of said board, authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1903, twelve thousand ($12,000) dollars, and to pay one year's interest on one hundred and eight thousand ($108,000) dollars unpaid bonds, authorized by said act, due March 1, and September 1, 1903, five thousand four hundred ($5,400) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 18 G

[House Bill No. 87.]

AN ACT

To amend section 4902 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Repair of improved roads:

SECTION 1. That section 4902 of the Revised Statutes be amended so as to read as follows:

Sec. 4902. In townships wherein such roads are located and placed under the control of turnpike directors, under the provisions of this chapter, the two days' labor of all those occupying lands whose general outlet is on such turnpikes, shall be performed under the control of the board of directors or their superintendents, subject to all the rules and regulations of law for its performance under the direction of road supervisors, except that such labor shall be performed at any time within the year when called upon by the directors or their superintendents.

When and under whose control road labor to be performed.

SECTION 2. Said original section 4902 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 19 G

[House Bill No. 340.]

AN ACT

Making appropriations to pay deficiencies and liabilities authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay deficiencies and liabilities, as herein specified, to-wit:

Appropriations to pay deficiencies and liabilities authorized by the emergency board.

Adjutant-General.

For salaries policemen, visitors, attendant and regular laborers $1,800 00

Ohio National Guard.

For expenses Akron riots $12,133 19
For expenses of Ohio nationl guard attending funeral of President McKinley..... 69,385 55
For transportation Ohio national guard..... 255 95

Commissioner of Common Schools.

For contingent expenses $248 00

Dairy and Food Commissioner.

For attorney fees and expenses $3,000 00

[Senate Bill No. 65.]

AN ACT

Providing for the election of four additional judges in Cuyahoga county of the fourth judicial district.

Be it enacted by the General Assembly of the State of Ohio:

Additional judges in Cuyahoga county.

SECTION 1. There shall be elected in Cuyahoga county, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1902, and every five years thereafter, four judges of the court of common pleas for the fourth judicial district, in addition to the number heretofore provided by law for said district. Said four additional judges shall reside in Cuyahoga county, and shall be elected for the term of five years. Their term shall begin on the first day of January next after their election. They shall each exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas; and shall receive the same compensation as is now provided by law for other judges of the court of common pleas in Cuyahoga county.

Beginning of term.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 25G

[Senate Bill No. 31.]

AN ACT

To amend section 1475-1 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships:

SECTION 1. That section 1475-1 of the Revised Statutes of Ohio be amended so as to read as follows:

Providing for the enclosure of abandoned burial grounds.

Sec. 1475-1. The county commissioners of each county shall, within six months after the passage of this act, enclose with a substantial fence of stone, iron, or posts and boards, all abandoned public burial grounds in the several counties, and from which the remains of the dead have not been removed. The expense of such enclosure shall be paid out of the general fund of such county. After such enclosure shall have been made as herein provided, the township trustees shall keep the fence in good repair, and shall remove the undergrowth and weeds from any such abandoned cemetery, at least once a year and pay the expense thereof out of township funds.

Township trustees shall keep in repair.

SECTION 2. That said original section 1475-1 be repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate

Passed March 4, 1902. 26G

[House Bill No. 293.]

AN ACT

To amend section 2267 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2267 of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows: Assessments:

Sec. 2267. No public improvement, the cost or part of cost of which is to be especially assessed on the owner of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to [the] council concur, unless two-thirds of the owners to be charged, petition in writing therefor; and in villages not situated in a county containing a city of the first class no special assessment shall be made except for sidewalks and gutters, and main or trunk line sewers, and such other sewers, as are provided with a good and sufficient outlet unless it first receives the assent in writing of a majority of the owners to be charged therewith. When two-thirds vote requisite. Provided, that in cities of the third grade of the first class no public improvements (except sidewalks, sewers, and the appropriating or otherwise acquiring, lots or lands for the purpose of laying off, opening, extending, straightening or widening streets, alleys, or other public highways, for the power to make which improvement no petition shall be necessary) the cost or part of the cost of which is to be assessed on the owners of adjacent property shall be made until a majority of the owners of the property to be assessed shall have petitioned to the common council asking for said improvement, and a statement of title showing the existing owners of said property shall have been prepared by the solicitor thereof. Toledo.

Before said solicitor shall prepare such statement he shall enter into a bond of ten thousand dollars ($10,000.00) to said cities, approved by the mayor thereof, to cover his term of office that he will faithfully ascertain the names of the property owners as appear by the records of the county in which such cities are located, and that said solictor shall Solicitor shall give bond. Compensation.

receive the sum of one dollar and fifty cents ($1.50) as reasonable compensation in addition to his salary, for each description of property ascertained and certified by him in any statement of title by him made, and that said compensation shall be paid said solicitor out of the general fund of such cities of the third grade of the first class, upon the completion of said statement of title, and that no improvement shall be made until said petition is approved by the city solicitor and his certificate endorsed thereon.

Provided further, that after the bids for any such improvement are received and before any contract therefor is entered into by any cities of the third grade of the first class, the solicitor thereof shall search the records of the county in any such cities to ascertain if any changes in ownership have taken place, and if there still exists a majority of the property owners asking for said improvement shall prepare an amended statement of title, certifying thereon the actual condition of the ownership at the date last aforesaid, and there shall be paid the solicitor of said cities of the third grade of the first class, as reasonable compensation for such further examination as aforesaid, the sum of seventy-five ($0.75) cents per description out of the general fund of the corporation.

Repeals.

SECTION 2. That said section 2267 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 27G

[House Bill No. 203.]

AN ACT

To repeal sections 2191*c* and 2491*d* (1) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Gas companies:

SECTION 1. That sections 2491*c* and 2491*d* (1) of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 28 G

[House Bill No. 47.]

AN ACT

To amend section 751-3 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 751-3 of the Revised Statutes of the state of Ohio be amended so as to read as follows: Ohio hospital for epileptics:

Sec. 751-3. All insane persons who are also epileptic, and whose disease has developed during their residence in [this] the state, together with all epileptics who have been residents of the state of Ohio for one year next preceding an application for admission, shall be considered admissible as inmates of this institution; the number of inmates to be apportioned among the several counties of the state according to their population. Such persons as are admitted to such institution shall, however, be deemed, for the purpose of voting, taxation, and all other purposes, residents of the counties from which they are sent. And their residence shall continue in the counties from which they are sent until they are finally discharged from such institution. Who admissible as inmates. Apportionment. Inmates shall be considered residents of county from which sent.

SECTION 2. That said section 751-3 is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 29 G

[House Bill No. 241.]

AN ACT

To amend section 4009-9 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009-9 of the Revised Statutes of Ohio be amended so as to read as follows: Schools and attendance enforced:

Sec. 4009-9. That upon application by a board of education or school council of any school district of this state to the state commissioner of schools, he shall grant permission to such board of education or school council and such board of education or school council shall thereupon be empowered to maintain within its limits one or more day schools, having an average attendance of not less than five pupils, for the instruction of deaf persons over the age of three and under twenty-one years, residents of the state of Ohio. Day schools for deaf children.

Repeals, etc.

SECTION 2. That said original section 4009-9 be and is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902. 30G

[House Bill No. 153.]

AN ACT

For the development and maintenance of forests, and for the protection of birds.

Be it enacted by the General Assembly of the State of Ohio:

Arbor Day.

SECTION 1. That the governor of said state shall, not later than April appoint and set apart one day in the spring season of each year, as a day on which those in charge of the public schools and institutions of learning under state control, or state patronage, shall, for at least two hours, give information to the pupils and students concerning the value and interest of forestry, and the duty of the public to protect the birds thereof, and also for planting forest trees. Said day shall be known as Arbor day.

Repeals.

SECTION 2. That the joint resolution passed April 11th, 1892 (79 O. L., p. 243), be and the same is hereby rescinded.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902. 31G

[House Bill No. 243.]

AN ACT

To amend section 3591 of the Revised Statutes and section 3598 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3591, Revised Statutes, and section 3598 of the Revised Statutes of Ohio be amended so as to read as follows:

Whole capital must be paid in and invested.

Sec. 3591. No joint stock company shall be organized under this chapter with a less capital than one hundred thousand dollars, and the whole capital shall, before proceeding to business, be paid in and invested in treasury

notes, in stocks or bonds of the United States, in stocks or bonds of the state of Ohio, or of any municipality or county thereof, or in mortgages on unincumbered real estate within the state of Ohio worth double the amount loaned thereon. If the amount loaned shall exceed one-half the value of the land mortgaged, exclusive of structures thereon, such structures shall be insured in an authorized fire insurance company in any amount not less than the difference between one-half the value of such land exclusive of structures, and the amount loaned, and the policy assigned to the mortgagee.

When structures on mortgaged land are to be insured and for how much.

Sec. 3598. A company organized under the laws of this state may invest its accumulations as follows, and may sell, change, or reinvest the same, or any part thereof, at pleasure:

How home companies may invest accumulations.

1. In United States, state, county, or city bonds, if the market value of the bonds at the date of purchase, is at least eighty per cent of their par value.

2. In bonds and mortgages upon unincumbered real estate, the market value of which real estate is at least double the amount loaned thereon, at the date of investment. If the amount loaned shall exceed one-half the value of the land mortgaged, exclusive of structures thereon, such structures shall be insured in an authorized fire insurance company in an amount not less than the difference between one-half the value of such land, exclusive of structures, and the amount loaned, and the policy assigned to the mortgagee; and the value of such real estate shall be determined by a valuation, made under oath, by two real estate owners, residents of the county where the real estate is located.

When structures on mortgaged land are to be insured and for how much.

3. In loans upon the pledge of such bonds or mortgages, if the current market value of the bonds or mortgages is at least twenty-five per cent more than the amount loaned thereon.

4. In loans upon its own policies, not exceeding the reserve or present value thereof computed according to the American experience table of mortality, with interest at four per cent, the same being the amount of debts of life insurance companies by reason of their outstanding policies in gross.

This section shall not prohibit any company from accepting any other assets than herein enumerated in payment of debts due the company, in order to protect its interests, or from acquiring real estate for its own use, or by foreclosure in accordance with the laws of the state.

SECTION 2. That section 3591 and section 3598 be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902.

32G

[House Bill No. 204.]

AN ACT

For the relief of Louis H. Pike, late a judge of the court of common pleas of the first subdivision of the fourth judicial district of Ohio, in the sum of ($945.22) nine hundred and forty-five dollars and twenty-two cents, being the amount of salary unpaid and due him as judge of said common pleas court from November 4, 1883, to March 20, 1884.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Louis H. Pike.

SECTION 1. That the sum of nine hundred and forty-five dollars and twenty-two cents ($945.22) is hereby appropriated out of the general fund of the state, not otherwise appropriated, for the payment of the unpaid portion of the salary of Louis H. Pike, as a judge of the court of common pleas for the first subdivision of the fourth judicial district of Ohio, for the period of four (4) months and sixteen (16) days, beginning on the 4th day of November, 1883, the first day of his term, and ending March 20th, 1884.

SECTION 2. This act shall be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902. 33G

[House Bill No. 28.]

AN ACT

To amend section 19 of an "act to provide for the reorganization of boards of education in city districts of the second grade of the first class," passed March 8, 1892 (87 v. 77).

Be it enacted by the General Assembly of the State of Ohio:

City districts of first class: Cleveland.

SECTION 1. That section 19 of an "act to provide for the reorganization of boards of education in city districts of the second grade of the first class" passed March 8, 1892 (Bates Revised Statutes section 3899-19) be and the same is hereby so amended as to read as follows:

When contract binding.

(3899-19.) Sec. 19. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any resolution or order for the appropriation or expenditure of money be passed by such school council, or by any officer of such board of education, unless the auditor of such board of education shall first certify that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded; and the sum so certified shall not thereafter be considered unappro-

priated until such board of education is discharged from the contract, agreement or obligation, or so long as the resolution or order is in force; and all contracts, agreements or other obligations and all resolutions and orders, entered into or passed contrary to the provisions of this section, shall be void; provided that whenever any loan has been duly authorized by law for the use of such boards of education in city districts of the first class, second grade, the money to arise therefrom shall be deemed in the treasury for the purposes specified, within the meaning of this section. And provided further, that in such city districts of the second grade of the first class, contracts for improvements, extending for a period of one year, upon which payments are to be made from time to time as the work progresses, material is furnished or services performed, such boards of education are authorized to enter into such contracts if the estimated expenditure thereunder does not exceed the taxes levied for such purposes during the term of the contract, and in such cases the certificate of the auditor as herein provided shall not be required other than to state the amount of the levy and that the same is sufficient to pay such expenditures and has not been appropriated for any other purpose.

Repeals.

SECTION 2. That said original section 3899-19 of the Revised Statutes of the state of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 6, 1902. 34 G

[Senate Bill No. 2.]

AN ACT

To provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state.

Be it enacted by the General Assembly of the State of Ohio:

County memorial building.

SECTION 1. That whenever the commissioners of any county by resolution passed by a majority vote of such commissioners shall certify to the governor that in their opinion it is desirable to erect, furnish and maintain a memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of said county and to expend for such purpose an amount to be named by them not exceeding two hundred and fifty thousand dollars ($250,000) in any one instance, the governor shall appoint a board of trustees composed of five citizens of said county, not more than three

Governor shall appoint board of trustees.

of whom shall belong to the same political party, to be known as the "Memorial Association of ———— county, Ohio."

Compensation, vacancies, organization, etc.

SECTION 2. Said trustees shall receive no compensation but shall be entitled to be repaid their necessary expenses out of the fund hereinafter provided. All vacancies in the office of trustees shall be filled in the same [manner] as the original appointment. Said trustees shall select from their number a chairman and secretary and shall hold regular meetings at such times and places as they may agree upon and special meetings under such regulations as they may prescribe; and cause to be kept a full record of their proceedings.

Question of erection to be submitted to vote.

SECTION 3. Immediately upon the appointment and organization of said board of trustees, they shall certify to the deputy supervisors of election of the county in which such board is organized the fact of their appointment and organization and direct the submission to popular vote at the next regular county election of the question of the issue of bonds in the amount specified by the county commissioners in their original resolution, and of the erection and maintenance of the memorial building contemplated. The deputy supervisors of election of said county shall submit said question to popular vote at the next regular county election with such forms of ballot as said deputy supervisors may prescribe and shall certify the result of said election to the board of trustees. If a majority of the votes cast at said election is in favor of said issuance of said bonds and the construction and maintenance of said memorial building, said board of trustees shall proceed as hereinafter authorized.

Commissioners shall issue bonds.

SECTION 4. Said board of trustees shall request the commissioners of the county to issue and said commissioners shall thereupon issue the bonds of the county in such denominations for such period and bearing such rate of interest as the board of trustees shall specify, not exceeding the total sum determined upon in the original resolution of the commissioners. Said bonds shall be sold for not less than par with accrued interest to the highest bidder after advertisement in two or more newspapers published or of general circulation in said county for a period of thirty days.

"Memorial building fund."

SECTION 5. The fund arising from the sale of said bonds shall be placed in the county treasury to the credit of a fund to be known as "the memorial building fund." Said fund shall be paid out upon the order of the board of trustees, certified by its chairman and secretary. The commissioners of the county shall annually levy such amount of taxes in addition to all other levies authorized by law, as will pay the interest on such bonds and create a sinking fund sufficient to redeem the same at maturity. If upon the completion of the memorial building herein authorized an unexpended balance of the fund shall remain in the county treasury, such balance shall be placed and kept to the credit of the sinking fund provided by this act.

Tax levy.

SECTION 6. The board of trustees shall have authority to appoint an assistant secretary and employ such superintendents, architects, clerks, laborers and other employes as they may deem necessary and to fix their compensation; and any of such persons may be removed by a majority of such trustees at any time. Such trustees shall, before making any expenditure of the fund herein authorized, give bond to the state of Ohio, in such sum as may be fixed by the county commissioners and to the approval of said commissioners.

Board of trustees to appoint assistant secretary and employ superintendents, etc.

Shall give bond.

SECTION 7. The board of trustees shall have power to acquire by purchase, appropriation or otherwise, any private or public lands which they may deem necessary for their use, and in case of condemnation the proceedings shall be the same as those governing the appropriation of lands by counties for other county purposes.

Board may acquire lands.

SECTION 8. The board of trustees shall have power to prepare or cause to be prepared plans and specifications and to make contracts for the construction of a memorial building for the purposes herein specified and within the amount authorized. In making such contract, the board of trustees shall be governed as follows:

May prepare plans and specifications and make contracts.

How board governed in making contract.

First. Contracts for construction shall be based upon detailed plans, specifications, forms of bids and estimates of cost, to be adopted by the board of trustees.

Second. The contracts shall be made in writing upon concurrence of a majority of the board of trustees, signed by the president and secretary of the board and by the contractor, after an advertisement in two newspapers published or of general circulation in the county, for a period of thirty days.

Third. No contract shall be let except to the lowest and best bidder who shall give a preliminary and a final bond conditioned respectively, that he will enter into the contract if awarded to him and that he will faithfully perform the work and furnish the material agreed upon.

Fourth. When it becomes necessary in the opinion of the board of trustees in the prosecution of said work to make alterations or modifications in any contract, such alterations or modifications shall only be made by order of the board and such order shall be of no effect until the price to be paid for the work or materials under such altered or modified contract has been agreed upon in writing and signed by the contractor and the chairman and secretary of said board.

Fifth. No contract or alteration or modification thereof shall be valid or binding unless made in the manner herein specified.

SECTION 9. No member of the board of trustees or any officer or employe thereof shall be interested in any contract entered into by said board; nor shall any trustee or officer or employe of the board be individually liable to any contractor upon any contract made in pursuance of this act, nor to any person on any claims occasioned by any act or de

No member or employe of board shall be interested in any contract made by board.

Removal of members.

fault of a contractor or any one employed by such contractor. Any member of said board of trustees may be removed by the governor for misconduct in office or neglect of duty.

Commissioners to provide for maintenance of building; tax levy.

SECTION 10. Upon the completion of the memorial building authorized, the board of trustees shall turn over the same to the county commissioners who shall provide for the maintenance of said building as a memorial for the purpose aforesaid in the same manner as they are authorized to maintain other property of the county, and shall levy an annual tax, in addition to all other levies authorized by law, sufficient to care for said building and to carry out the purposes for which the same is contsructed.

County commissioners may permit certain associations to occupy county buildings.

SECTION 11. The commissioners of any county in this state may permit the occupancy by any society or association of soldiers, sailors, marines and pioneers, or any historical association, of any county building, or part or parts thereof not necessary for other county purposes.

SECTION 12. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 35G

[House Bill No. 65.]

AN ACT

To provide for the care of the graves of United States and Confederate soldiers, sailors and marines.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners shall provide for care of soldiers' and sailors' graves.

SECTION 1. That the county commissioners of the several counties of this state shall provide for the proper care of the graves of all United States soldiers, sailors, and Confederate soldiers and sailors, and marines in their respective counties that have been, or may hereafter be, buried in lots used exclusively for the benefit of federal soldiers and sailors and Confederate soldiers and sailors in cemeteries or burying grounds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 36G

[House Bill No. 369.]

AN ACT

To establish normal schools at Ohio university at Athens, and at Miami university, at Oxford and to provide for the appointment of a commission to investigate and report upon the need and advisability of the future establishment by the state of one or more additional normal schools and to consider in what manner and to what extent existing educational institutions other than those now supported by the state can be made more active in the better training of persons for service in the public schools.

Be it enacted by the General Assembly of the State of Ohio:

State normal schools: Location.

SECTION 1. That there be and are hereby created and established two state normal schools to be located as follows: One in connection with the Ohio university, at Athens, and one in connection with the Miami university, at Oxford.

SECTION 2. The boards of trustees of said universities shall, not later than September, 1903, organize at their respective institutions a normal school which shall be coördinate with existing courses of instruction, and shall be maintained in such a state of efficiency as to provide proper theoretical and practical training for all students desiring to prepare themselves for the work of teaching; said normal schools, in each case, being under the general charge and management of the respective boards of trustees of said universities.

Tax levy for "Ohio and Miami university fund."

SECTION 3. To enable the Ohio university and the Miami university to organize and support said normal schools there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which shall be collected in the same manner as other state taxes and the proceeds of which shall be made a part of the "Ohio and Miami university fund," as already provided for (O. L., Vol. 92, pp. 40-41). The rate of such levy shall be designated by the general assembly at least once in two years, and if the general assembly shall fail to designate the rate for any year, the same shall be for the said "Ohio and Miami university fund," one-thirtieth (1-30) of one mill upon each dollar of the valuation of such taxable property.

How fund distributed.

SECTION 4. The said "Ohio and Miami university fund," as herein described, shall be distributed and paid annually, seven-twelfths (7-12) thereof to the treasurer of the Ohio university upon the order of the president of the board of trustees of the said Ohio University and five-twelfths (5-12) thereof to the treasurer of the Miami university upon the order of the president of the board of trustees of said Miami university.

State normal school commission, governor to appoint.

SECTION 5. The governor is hereby authorized and required, within ninety days after the passage of this act, to appoint a board, to be known as the state normal school commission, consisting of four judicious citizens of the state, not more than two of whom shall be of the same political

Duties.

party, who shall serve without compensation, and whose duty it shall be to make investigation upon the need and advisability of the future establishment by the state of one or more additional normal schools, and to consider in what manner and to what extent existing educational institutions other than those now supported by the state can be made more active and effective in the better training of persons for service in the public schools.

Commission to make report to governor.

SECTION 6. The state normal school commission shall, prior to the meeting of the seventy-sixth general assembly, make full report of its findings and investigations to the governor, who shall upon the organization of the general assembly transmit to it said report with such recommendations as he may deem proper.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 37G

[House Bill No. 335.]

AN ACT

To amend sections 2 and 4 of an act entitled "An act to reënact sections 1 and 3, and to amend sections 2 and 4 of an act entitled "An act to provide for an official stenographer for the second subdivision of the third judicial district of Ohio, passed March 29, 1892," passed March 29, 1900.

Be it enacted by the General Assembly of the State of Ohio:

Official stenographer in second subdivision, third judicial district.

SECTION 1. That sections 2 and 4 of an "Act to reënact sections 1 and 3, and to amend sections 2 and 4 of an act 'To provide for an official stenographer for the second subdivision of the third judicial district of Ohio, passed March 29, 1892,' passed March 29, 1900," be amended so as to read as follows:

SECTION 2. That such stenographer shall hold his or her office for a term of three years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless sooner removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the discharge of the duties of said office, take an oath that he or she will faithfully discharge the duties of said office.

Salary.

Such stenographer shall receive a salary of twelve hundred dollars ($1200.00) per annum, payable quarterly out of the county treasuries of said Williams, Defiance and Paulding in proportion of one-third thereof from each of said counties, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it

shall be the duty of the auditors of said counties to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Fees for making transcripts.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to said salary, six cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript or such portion thereof, shall be three cents per folio of one hundred words, and shall be paid for as provided in section 3. And in every case reported in said courts, there shall be taxed for each day's service of such stenographer, a fee of ($4) four dollars, to be collected as other costs in the case, and when so collected, to be, by the clerk of the court, paid quarterly into the treasury of the county where earned.

Additional costs for stenographer's services.

Repeals, etc.

SECTION 2. Said original sections 2 and 4 are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 38G

[House Bill No. 122.]

AN ACT

To amend section 2966-17 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2966-17 of the Revised Statutes of Ohio be amended so as to read as follows:

Candidate ineligible as deputy state supervisor or clerk thereof, or as judge or clerk of elections.

Sec. 2966-17. No person being a candidate for any office to be filled at an election shall serve as deputy state supervisor or clerk thereof, or as a judge or clerk of elections in any precinct at such election; and any person serving as deputy state supervisor or clerk thereof, judge or clerk of election contrary to the provisions of this section, shall be ineligible to any office to which he may be elected at such election.

Repeals.

SECTION 2. That section 2966-17 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after August 1, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 39G

[House Bill No. 177.]

AN ACT

To amend sections 4364-89*l*, 4364-89*m*, 4364-89*n*, 4364-89*o*, 4364-89*p*, 4364-89*q*, 4364-89*r*, 4364-89*s*, 4364-89*t*, 4364-89*u*, 4364-89*v*, and 4364-89*w* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Examination of stationary engineers.

SECTION 1. That sections 4364-89*l*, 4364-89*m*, 4364-89*n*, 4364-89*o*, 4364-89*p*, 4364-89*q*, 4364-89*r*, 4364-89*s*, 4364-89*t*, 4364-89*u*, 4364-89*v*, and 4364-89*w* of the Revised Statutes of Ohio be amended so as to read as follows:

Licensing of stationary engineers.

(4364-89*l*) Sec. 1. That it shall be unlawful for any person to operate a stationary steam boiler or engine in the state of Ohio, of more than thirty (30) horse power, except boilers and engines under the jurisdiction of the United States, and locomotive boilers and engines, without having been duly licensed so to do as herein provided. And it shall be unlawful for any owner or user of any steam boiler or engine, other than those excepted, to operate or cause to be operated such steam boiler or engine without a duly licensed engineer in charge.

Examination districts.

(4364-89*m*) Sec. 2. For the purpose of facilitating an efficient and thorough examination of engineers throughout the state of Ohio, and to provide for a more adequate protection of life and property, the state is hereby divided into eight (8) districts, to be designated by the chief examiner.

Appointment of chief and district examiners.

(4364-89*n*) Sec. 3. The governor of the state of Ohio, with and by the advice and consent of the senate, shall appoint one chief examiner of steam engineers, and said chief examiner of steam engineers, with the approval of the governor, shall appoint eight (8) district examiners of steam engineers; provided, however, that not more than four (4) of said examiners so appointed shall be members of any one of the political parties. The chief examiner and district examiners shall be competent and practical steam engineers, and shall hold their offices for a term of

Term of office.

three (3) years from the first day of May, 1902, after their respective appointments, and until their successors are appointed and qualified. The first appointment hereunder shall be made within sixty days from the passage of this act. In case of the resignation, removal or death of the chief examiner, or any district examiner, the vacancy shall be filled in the manner as provided for the original appointment, for the unexpired term only, of the position so made vacant.

Qualifications.

(4364-89*o*) Sec. 4. Each candidate for chief examiner shall have had not less than ten (10) years' experience as a practical steam engineer, previous to his appointment, and each candidate for district examiner shall have had not less than seven (7) years' experience as a practical steam engineer, previous to his appointment.

(4364-89*p*) Sec. 5. The chief examiner and district examiners shall give their whole time and attention to the duties of their offices respectively. The chief examiner shall be located in Columbus, and shall have his office in the state house, where shall be kept the records of his office, and for the purpose of keeping such records shall be allowed one clerk at a salary not to exceed $1,000 per annum, said clerk to be appointed by the chief examiner, with the approval of the governor, and to give a bond in the sum of $1,500. The chief examiner shall issue such instructions, make such rules and regulations for the government of the district examiners, not inconsistent with powers and duties vested in them by law, as shall secure a uniformity of action and proceedings throughout the different districts. The chief examiner shall receive a salary of $1,800 per annum, and the district examiners shall each receive a salary of $1,200 per annum, which salary and all necessary traveling and office expenses incurred by said examiners in the discharge of their duties, shall be paid out of the treasury of the state from any fund therein not otherwise appropriated, on the warrant of the auditor, on the presentation to him of the proper vouchers. The chief examiner shall give a bond in the sum of $3,000, and the said district examiners shall each give a bond in the sum of $2,000. All bonds required by this act to be given shall be approved by the governor.

Duties, bond, salaries, etc.

(4364-89*q*) Sec. 6. Any person who desires to act as a steam engineer shall make application to any district examiner of steam engineers for a license so to act, upon a blank furnished by the examiner; provided, however, that said applicant shall have had not less than one year's practical experience as a fireman, or oiler, and if, upon examination, the applicant is found trustworthy and competent, a license shall be granted him to have charge of, or to operate such plant as for which he has taken an examination. Such license shall continue in force for one year, unless after a proper hearing it is sooner revoked for intoxication or other sufficient cause, the said license to be renewed yearly.

License, how obtained.

(4364-89*r*) Sec. 7. Any person to whom a license is issued under the provisions of this act shall at the expiration of one year from the date thereof be entitled to a renewal thereof for one year, unless, in the opinion of the district examiner of his district such renewal should be refused, in which event such person shall have the right to appeal to the chief examiner provided for in section 9.

Who entitled to license without examination.

(4364-89*s*) Sec. 8. The fee for license and examination shall be $2.00 and the fee for renewal of license shall be $1.00. All fees collected and received by the district examiners from the issue of licenses and the renewal of the same shall be, on or before the 5th day of each month, remitted to the chief examiner at Columbus, together with a monthly report of the business of their offices.

Fees, reports, etc.

Said chief examiner shall pay into the treasury, to the credit of the general revenue fund, all moneys and fees by him received from the district examiners, and on or before the 10th day of each month, said chief examiner shall file a monthly report with the governor, of the business of his office and the amount of money received by him and paid into the state treasury.

Appeals from decision of district examiners.

(4364-89*t*) Sec. 9. Any person dissatisfied with the action of any district examiner in refusing or revoking a license may appeal to the chief examiner, who shall investigate the action of said district examiner; if, upon such investigation, said chief examiner finds that the district examiner was justified in refusing or revoking such license, he shall sustain the district examiner in his action, but should said chief examiner find that the district examiner was not justified in refusing or revoking such license, he shall order said district examiner to issue a license to the person making the appeal.

Notice.

(4364-89*u*) Sec. 10. It shall be the duty of each district examiner to notify every person operating a boiler or engine in his district mentioned in section 1, and not included in the exceptions therein specified, to apply for a license under this act, and to give such person a reasonable opportunity to take the examination therefor; provided, that all persons holding license issued to them under the act of the general assembly of the state of Ohio, passed March 1st, 1900 (94 O. L., 33-36) shall not be required to submit to a further examination during the period covered by such license first issued. But such former license shall evidence the qualifications of such person to operate the kind of steam plant, and for the period as therein designated, unless such license is sooner revoked for cause.

Penalties.

(4364-89*v*) Sec. 11. Any owner, user or engineer, who after being notified, as provided in section 10 of this act, violates any of the provisions of this act, shall be fined not more than $100 nor less than $10. The examiners shall have the authority and are hereby empowered to visit any and all engine rooms or boiler rooms in the state, at all reasonable hours.

Exhibition of license.

(4364-89*w*) Sec. 12. It shall be the duty of every engineer to exhibit his license under glass in a conspicuous place in his engine room. Any violation of this section shall be punishable by a fine not exceeding $5.00.

Repeals.

SECTION 2. That said original sections 4364-89*l*, 4364-89*m*, 4364-89*n*, 4364-89*o*, 4364-89*p*, 4364-89*q*, 4364-89*r*, 4364-89*s*, 4364-89*t*, 4364-89*u*, 4364-89*v*, and 4364-89*w* of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after May 1st, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 13, 1902. 40G

[Senate Bill No. 79.]

AN ACT

To supplement section 1271 of the Revised Statutes of Ohio, relating to the appointment of assistant prosecuting attorneys.

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting attorney:

SECTION 1. That section 1271 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Assistant prosecuting attorney in Franklin county.

Salary.

Sec. 1271*a*. That the judges of the court of common pleas of Franklin county, Ohio, residing therein, may, whenever the business of the office requires in the manner and as provided in section 1271 of the Revised Statutes for the appointment of assistant prosecuting attorneys in said county, appoint a third assistant prosecuting attorney whose salary shall not exceed twelve hundred ($1,200) dollars per year.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 41G

[House Bill No. 107.]

AN ACT

To amend section 4730 of the Revised Statutes of Ohio, as amended April 16, 1900.

Be it enacted by the General Assembly of the State of Ohio:

Supervisors and road work:

SECTION 1. That section 4730 of the Revised Statutes of Ohio be amended so as to read as follows:

Destruction of brush, briers, weeds, etc., on highways.

Sec. 4730. All pike superintendents and turnpike directors having control of and being charged with the duty of repairing macadamized, graveled and improved roads and turnpikes, all supervisors of county and township roads and the street commissioners of any city or village shall between the first and twentieth days of June, and between the first and twentieth days of August, and if necessary, between the first and twentieth days of September of each year, cut and burn, or destroy, or cause the same to be done, all brush, briars, burrs, vines, Russian and Canadian or common thistle, or other noxious weeds, growing or being within the limits of any county or township road, turnpike, improved, graveled or macadamized road, street, or alley within his jurisdiction; such supervisor, turnpike director, or pike superintendent shall be allowed reasonable compensation which shall not exceed $1.50 per day for all necessary labor employed by him in the performance of said work, to be allowed in the case of county and township roads by the trustees and paid by the treasurer of the town-

Compensation.

ship out of the road fund, or general fund, and in the case of macadamized, graveled and improved roads and turnpikes, such labor is to be allowed and paid for out of the turnpike fund of the county and in the same manner as would be done in the event of a repair thereof, but a street commissioner shall be allowed and paid, for any such services performed by him, by the proper municipal authorities; the supervisor or superintendent of any such roads shall allow any land owner or tenant to cut and destroy any such brush, briers, burrs, vines, thistles or other noxious weeds, growing or being on such roads along the lands abutting on such roads owned or occupied by such land owner or tenant, but before the said work is performed shall fix a reasonable compensation therefor, which shall be credited on the road tax of that year assessed against said premises; provided, however, that such land owner or tenant shall do said work or cause the same to be done before the first day of the month in which such work is required to be done as specified in this section. The superintendent, or manager of any toll, steam or electric road shall cut, burn or destroy, or cause the same to be done, all brush, briers, burrs, vines, Russian, Canada or common thistle, or other noxious weeds growing or being within the limits of any such road between the days of each month as above specified in this section, and in default thereof, and for five days thereafter, the trustees of any township through which any such road passes, shall cause the same to be done, and shall have the right of action against any such toll, steam or electric road company for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

Owner or tenant may perform such labor; compensation.

Destruction of briers, brush, etc., on toll roads and railways; penalty.

Repeals, etc.

SECTION 2. That said section 4730, as amended April 16, 1900, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 42G

[Senate Bill No. 11.]

AN ACT

To amend section 1493 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships:

SECTION 1. That section 1493 of the Revised Statutes be amended so as to read as follows:

Settlement of persons.

Sec. 1493. Any person who has a legal settlement in any county in this state shall be considered as having a legal settlement in any township, or corporation therein,

in which he or she may have last resided continuously and supported himself or herself for three consecutive months without relief, under the provisions of law for the relief of the poor.

SECTION 2. That said original section 1493 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON.
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 43G

[Senate Bill No. 19.]

AN ACT

To amend sections 4241 and 4242 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4241 and 4242 be amended so as to read as follows: Fences:

Sec. 4241. When the inclosures of two or more persons are divided by a partition fence of any kind, and either of the parties think proper to vacate his part of such inclosure, or to make a lane or passage between such adjoining inclosures, such person may remove his share or part of such partition fence, on giving six months' notice in writing of such intention, to the party owning or occupying the adjoining inclosure, or his agent, if such party is not a resident of the county, provided that the foregoing provisions of this section shall not be applicable to owners of narrow strips of land not more than two rods in width between adjoining farms of other persons while used and occupied by such owners for the purpose of farm outlets, to and from public highways; in such case the owners thereof unless otherwise provided for, shall keep and maintain in good repair, one-half of such partition fence, on either side of such farm outlet, or private right of way (whether such farm outlet or private right of way be wholly enclosed or not.) When party may remove his share of partition fence.

Sec. 4242. When any controversy arises about the rights of owners of adjoining lands, both of which are enclosed, (or one of which is enclosed, and one of which is a farm outlet or private right of way to a public highway), in relation to building or maintaining partition fences, and their obligation to build and maintain the same in good repair, either party may apply to the trustees of the township in which such premises or fence are situate, who, on application, after not less than ten day's written notice to all parties interested in the title or possession of the premises or the construction or repair of the fence, proceed to view the fence, Duty and power of township trustees in controversies over partition fences.

Assignment of fence to be constructed or repaired by parties; how made.

or premises where the fence is to be built, and assign, in writing, to each party his equal share thereof, to be by him constructed or kept in repair so as to be in all respects a good and substantial fence; the assignment shall also specify the time within which such fence and each of its parts shall be constructed or repaired; and shall be binding upon the parties and all succeeding occupants of the premises for one year thereafter, and until a new assignment is made. Provided, however, that if the owner is a nonresident of the county, then the notices provided for in this section and section four thousand two hundred and forty-three, may be served on his authorized agent or the person occupying the premises, and at the same time they shall mail a notice to the owner if his postoffice address is known.

Repeals, etc.

SECTION 2. That said sections 4241 and 4242 be and the same are hereby repealed, and this act shall be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 44G

[Senate Bill No. 103.]

AN ACT

To amend section 3894 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Classification and change of districts:

Township districts may become village districts.

SECTION 1. That section 3894 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 3894. The board of education of any township district may decide to submit, and, on petition of two-thirds of the electors of the district, shall submit, at the first regular election for township officers after such decision is made or petition received, the question whether such township district shall be governed by the provisions of this title relating to village districts; and the board shall give notice of the vote to be taken, by posting up written or printed notices, in ten or more public places in the township, at least twenty days prior to such election.

Repeals, etc.

SECTION 2. Section 3894 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 45G

[Senate Bill No. 5.]

AN ACT

To amend section 7332 of the Revised Statutes of Ohio, as amended April 17, 1882.

Be it enacted by the General Assembly of the State of Ohio:

Verdict, and judgment and proceedings thereon:

SECTION 1. That section 7332 of the Revised Statutes of Ohio be amended so as to read as follows:

Cost bill in case of felony to be made up and certified.

Sec. 7332. Upon sentence of any person for felony, the officers claiming costs made in the prosecution shall deliver to the clerk itemized bills thereof, who shall make and certify, under his hand and the seal of the court, a complete bill of the costs made in the prosecution, including any sum paid by the county commissioners for the arrest and return of the convict on the requisition of the governor, or on the request of the governor made to the president of the United States, which said complete bill of costs shall be presented by the clerk to the prosecuting attorney, and it shall be his duty to examine into the correctness and legality of each and every item therein charged, and to certify to the same if correct and legal.

Repeals, etc.

SECTION 2. That said original section 7332, as amended April 17, 1882 is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 46G

[House Bill No. 70.]

AN ACT

To provide for the appointment of an additional official stenographer for the supreme court of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Additional stenographer for supreme court.

SECTION 1. That the supreme court of the state of Ohio may, if in the opinion of a majority of the court it shall be deemed necessary after the passage of this act, appoint one official stenographer in addition to the one already appointed, for the use of said court, for the term of three years from the date of said appointment, and may thereafter, every three years, appoint a successor for the same term of office.

Salary.

SECTION 2. The stenographer, appointed under this act, shall receive a salary of one thousand dollars per year, payable in monthly installments, out of the state treasury upon the certificate of the chief justice.

Oath, duties, removal, etc.

SECTION 3. Said stenographer shall take an oath of office as official stenographer of said court, and shall perform such duties as said court shall designate, and may be re-

moved by the court at any time for incompetency, neglect of duty, or other good cause. In case of removal, appointment may be made for the unexpired term.

Equipment.

SECTION 4. The state shall furnish to such stenographer a typewriting machine, and all necessary materials for use in the performance of the duties of stenographer to said court, which shall be and remain the property of the state of Ohio.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 47G

[House Bill No. 270.]

AN ACT

To amend and supplement section 1209*a* and to amend section 1221 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Sheriff and coroner:

SECTION 1. That section 1209*a* be and the same is hereby amended so as to read as follows:

Coroner's assistants in Hamilton county; powers, duties and salaries.

Sec. 1209*a*. The coroner in all counties having a city of the first grade of the first class may appoint a clerk, at a salary not to exceed $1,200.00 per annum; and a deputy coroner at a salary not to exceed $1,500.00 per annum, who shall be a pathologist and shall make all autopsies required by the coroner, and who shall have full power to do and perform all duties imposed by law upon the coroner of such counties, in the absence or inability of the coroner or when directed by the coroner to perform such duties; and an official stenographer, at a salary not to exceed $1,200.00 per annum, whose duty it shall be to report all testimony taken orally before the coroner; and a special constable at a salary not to exceed $1,200.00 per annum, whose duty it shall be to serve all writs authorized by law, to be issued by the coroner, and who shall give bond as required by law of other constables; and such clerk, deputy coroner, official stenographer and special constable shall continue in office at the pleasure of the appointing coroner but not beyond his term.

Deputy coroner in Cuyahoga county; powers, duties and salary.

And the coroner in all counties having a city of the first class of the second grade may appoint a deputy coroner, who shall have power to do and perform all duties imposed by law upon the coroner of said county in his absence, at a salary not to exceed $1,500.00 per annum, and said coroner in all counties having a city of the first class of the second grade may appoint a stenographer at a salary not to exceed $780.00 per annum, and the term of office of such deputy coroner and stenographer shall expire with the term of the appoint-

Stenographer.

ing coroner. And the auditor of each county aforesaid is authorized to draw monthly his warrants for the respective salaries aforesaid on the county treasurer, who shall pay the same out of any fund not otherwise appropriated.

SECTION 2. That said section 1209*a* be supplemented by the enactment of the following section, with sectional numbering as follows:

Coroner's fees in Hamilton county.

Sec. 1209*b*. In counties containing a city of the first grade of the first class, the coroner shall be authorized to charge for transcripts of verdicts, inquests or other proceedings of his office, the following fees: For transcript of a verdict, one dollar; for transcript of testimony or other proceedings, the same fees that are fixed by Sec. 480 Revised Statutes for transcripts made by official stenographers. Such fees shall be paid by the person ordering such transcripts, and shall be accounted for by the coroner as provided in section 1341.

SECTION 3. That section 1221 be amended so as to read as follows:

Inquest by coroner and proceedings thereon.

Sec. 1221. When information is given to any coroner that the body of a person whose death is supposed to have been caused by violence, has been found within his county, he shall appear forthwith at the place where such body is, shall issue subpoenas for such witnesses as he deems necessary, and administer to them the usual oath, and proceed to inquire how the deceased came to his death, if by violence from any other person or persons, by whom, whether as principals or accessories before or after the fact, together with all the circumstances relating thereto; the testimony of the witnesses shall be reduced to writing, by them respectively subscribed, except when stenographically reported by the official stenographer of the coroner, and with the finding and recognizances hereinafter mentioned, if any, shall be by the coroner returned to the clerk of the court of common pleas of the county, and he shall, if he deem it necessary, cause the witnesses attending as aforesaid, to enter into recognizance, in such sum as may be proper, for their appearance at the succeeding term of the court of common pleas of the county, to give testimony concerning the matter aforesaid, and he may require any and all of said witnesses to give security for their attendance, and if they or any of them neglect to comply with the requirements made, he shall commit the person so neglecting to the prison of the county, to remain until discharged by due course of law.

Repeals, etc.

SECTION 4. That said sections 1209*a* and 1221 of the Revised Statutes of Ohio as now existing be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 48G

[House Bill No. 202.]

AN ACT

To amend section 4668 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County roads:

SECTION 1. That section 4668 of the Revised Statutes of Ohio be amended so as to read as follows:

Roads vacated when unopened for seven years.

Sec. 4668. Whenever, after the lapse of two years from the date of an order establishing a county road, the same or any part thereof remains unopened; and a petition setting forth such facts is presented to the county commissioners, signed by three or more of the original petitioners, or freeholders, resident along the line of said road, the county commissioners may in their discretion cause said road, or part thereof, to be opened by contract, but any county road, or part thereof, which has heretofore or may hereafter be authorized, which remains unopened for public use for the period of seven years after the order establishing said road is made or authority granted for opening the same, shall be, and the same is hereby vacated, and the authority granted for erecting the same barred by lapse of time.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 49G

[House Bill No. 393.]

AN ACT

To amend section 3924 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Special districts:

SECTION 1. That said section 3924 of the Revised Statutes of Ohio be so amended as to read as follows:

Election of members of school board.

Sec. 3924. There shall be elected annually, by ballot, on the first Monday of April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board for three years from the second Monday succeeding his election, and until the election and qualification of his successor; but in special districts hereafter established the first election for members of the board shall be held within twenty days after such establishment, at least five days' previous notice of which, stating the time and place of meeting, and signed by at least three electors of the district, shall be posted in

three of the most conspicuous places in the district; at such meeting a chairman and clerk shall be chosen, and there shall be elected three members of the board, one to serve until the second Monday of April next succeeding his election, and one to serve for one year and one for two years from said second Monday, and each to serve until the election and qualification of his successor.

SECTION 2. That said original section 3924 be and the same is hereby repealed; and this act shall take effect on and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 50G

[House Bill No. 244.]

AN ACT

To amend section 3637 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3637 of the Revised Statutes of Ohio be so amended as to read as follows: Insurance companies other than life:

Sec. 3637. No company organized under this chapter, or incorporated under any law of this state, for the purposes provided in section thirty-six hundred and thirty-two, shall invest its capital or any part thereof, otherwise than in: 1, United States bonds; 2, Ohio state bonds; 3, bonds of a county, township, or municipal corporation in this state, issued in conformity with law; 4, bonds and mortgages on unincumbered real estate within this state, worth double the amount loaned thereon; if the amount loaned shall exceed one-half the value of the land mortgaged exclusive of structures thereon, such structures shall be insured in an authorized fire insurance company other than the company making such loan in an amount not less than the difference between one-half the value of such land exclusive of structures, and the amount loaned, and the policy assigned to the mortgagee; 5, the stock of any national bank located in this state, organized under the provisions of an act of congress entitled "An act to provide a national currency, secured by the pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, and acts amendatory thereof and supplementary thereto; or, 6, first mortgage bonds of railroads within this state, upon which default in the payment of the interest coupons has not been made within three years previous to the purchase thereof. How company must invest its capital.

Repeals.

SECTION 2. That original section 3637 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 51G

[Senate Bill No. 21.]

AN ACT

To amend section 4155-3 regulating conditional sales of personal property.

Be it enacted by the General Assembly of the State of Ohio:

Conveyances and incumbrances:

SECTION 1. That section 4155-3 of the Revised Statutes of Ohio, be amended so as to read as follows:

Vendor of property conditionally sold may not retake possession without repaying certain part of price paid; exception.

Sec. 4155-3. Whenever such property except machinery equipment and supplies for railroads and contractors, and for manufacturing brick, cement and tiling, and for quarrying and mining purposes, is so sold or leased, rented, hired or delivered it shall be unlawful for the persons who so sold, leased, rented, hired delivered or his assigns or the agent or servant of either their agent or servant to take possession of said property, without tendering or refunding to the purchaser, lessee, renter, or hirer thereof or any party receiving the same from the vendor, the sum or sums of money so paid after deducting therefrom a reasonable compensation for the use of such property, which shall in no case exceed 50 per cent. of the amount so paid, anything in the contract to the contrary notwithstanding, and whether such condition be expressed, in such contract or not, unless such property has been broken, or actually damaged, and then a reasonable compensation for such breakage or damage shall be allowed. Provided, that the vendor shall not be required to tender or refund any part of the amount so paid unless said amount so paid to the vendor exceeds 25 per cent. of the contract price of the property.

Proviso.

Repeals.

SECTION 2. Said section 4155-3 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 52G

[House Bill No. 547.]

AN ACT

To provide for the administration of charitable trusts in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

Administration of charitable trusts in certain cases.

SECTION 1. Whenever, by the last will and testament of any person which has heretofore been, or shall hereafter be, duly admitted to probate in this state or elsewhere, any decedent has devised or bequeathed, or may devise or bequeath, his or her property, or any portion thereof, for charitable uses within this state, or for the establishment and maintenance of any industrial or educational school or institution to be located at any place within this state; and whenever, in any such will and testament it has been, or may be, provided that the executor or executors thereof shall organize a corporation under the laws of this state for the purpose of receiving the property so devised or bequeathed, and carrying out the charitable purposes in such will expressed, or establishing and maintaining the institution or school therein provided for, and such will further provides for the management of such corporation by a board of trustees or directors, consisting, in part, of officials of this state, of the county in which such charities are to be administered or such institution or school located, the officials of any municipal incorporation in said county, and the member of congress for the district of which said county forms a part, or any of such officials, and names any other person or persons to be associated with said officials or any of them, and provides for the appointment of a successor or successors to the person or persons so appointed to act with such officials in any manner specified in said will, such executor or executors, or his or their successors in office, and the persons hereinafter named, may constitute themselves a body corporate, with the general power of benevolent incorporations.

Articles of incorporation to be filed.

SECTION 2. Such executor or executors, or his or their successors, shall associate with himself or themselves not more than two citizens and residents, other than the persons named in said will, of the county in which such charities are to be administered, or such institution or school located, and he or they and such associates shall execute and acknowledge and file with the secretary of state of the state of Ohio, articles of incorporation; or, in case he or they do not file such articles within sixty days from and after the passage of this act, or, in case of any will which may hereafter be so probated, within six months of such probate, then a minority of the officials for the time being named in any such will or testament may execute, acknowledge and file such articles, which shall in either case set forth:

What shall be set forth therein.

1. A copy of the will or testament for the carrying out of whose provisions the incorporation is organized.

2. The name of the corporation, which shall include the name of the maker of such will, unless otherwise therein provided; and

3. The location of such corporation.

Who members and directors of corporation.

SECTION 3. The officers or officials named in such will or testament, together with the persons therein named, and in case the articles are filed by the executor or executors as hereinbefore provided, the citizens of said county, not exceeding two in number, who execute and acknowledge the same with such executor or executors, shall thereupon become the members and directors of such corporation; and as the term of any official expires, his successor shall thereupon, by virtue of his office, become one of the members and directors of such corporation, so that the officials named in said will shall, for the time being and from time to time, be directors of said incorporation. Upon the death or resignation of the person or persons named in such will as directors associated with such officials, his or their successor or successors shall from time to time be appointed in the manner provided in such will or testament, if provision therefor be made, otherwise by the board of directors, and he or they shall thereupon become members and directors of such incorporation. Upon the death or resignation of the two citizens of the county, or either of them, who have become directors by reason of joining in said articles of incorporation, his or their successor or successors shall from time to time be chosen by the board directors, and he or they shall thereupon become members and directors of such incorporation.

Succession.

Attorney general given power to bring proceedings to enforce such devise or bequest.

SECTION 4. The attorney general of the state of Ohio shall in his official capacity have power to bring proceedings in any court of record to enforce any such devise or bequest, whenever he deems such action necessary for the protection and carrying out of the purposes named in said last will and testament, without waiting for the organization of such corporation.

Officers of corporation.

SECTION 5. The officers of such corporation shall consist of a president, secretary and treasurer, and such other officers as the board of directors may deem necessary. The president shall be a member of the board of directors.

Constitution and by-laws.

SECTION 6. The board of directors may adopt, and from time to time change, such organic rules, regulations and by-laws as they may deem expedient, not inconsistent with the constitution and laws of this state.

Directors to meet where.

SECTION 7. Until the estate shall be finally settled, the board of directors may meet in the state of the domicile of the testator.

SECTION 8. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Spcaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 53G

[Senate Bill No. 99.]

AN ACT

To amend section 4958 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4958 of the Revised Statutes of Ohio be so amended as to read as follows:

Specific duties of certain officers:

Sec. 4958. The clerk shall enter on the appearance docket, at the time of the commencement of an action or proceeding, the names of the parties, in full, with names of counsel, and forthwith index the case, direct and reverse, in the name of each plaintiff and defendant; and in like manner and at the time it occurs, he shall also index the name of each person who may thereafter become a party to such action or proceeding; and he shall also enter, at the time it occurs, under the case so docketed, the issue of the summons or other mesne process or order, and the filing of each paper; and he shall record in full the return on such writ or order, with the date of its return to the court, which entry shall be evidence of such service.

Entries on appearance docket and their effect.

SECTION 2. That said original section 4958 as existing before the passage of this act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 54G

[Senate Bill No. 147.]

AN ACT

Supplementary to section 2813*a* of the Revised Statutes of Ohio, providing compensation for services heretofore rendered in counties having cities of the second grade of the first class.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2813*a* of the Revised Statutes of Ohio be supplemented by the following section, with sectional numbering as follows:

Boards of equalization:

Sec. 2813*b*. Each member of a decennial city board for the equalization of real property in any city of the second grade of the first class, who served as such member in the year 1900, or thereafter; or who served as a member of such board while sitting as a board of revision in the year 1901, or who has so served in the year 1902, agreeably to the provisions of section 2813*a* of the Revised Statutes, shall be entitled to receive compensation for any such services, as a member of either board, for his period of service, at the rate of ten dollars per diem, such compensation to be paid

Compensation of members of board in Cleveland.

Reimbursement of fund; levy for.

out of the county treasury upon the warrant of the county auditor. Provided, that in any county having a city of the second grade of the first class, for the reimbursement for all such compensation, so allowed and paid, the county commissioners shall, at their June session of the year 1902, levy a tax upon the taxable property of the county, in addition to the amounts otherwise authorized by law, sufficient in amount for said purpose, and at the settlements of the tax collections for the year 1902, the county auditor shall apportion from the taxes collected on said levy to the general county fund the amount used as above provided for.

Certain sections of Revised Statutes shall not apply.

SECTION 2. That the provisions of sections 1365-1, 1365-2, 1365-3 and 1365-6 of the Revised Statutes shall not apply to the compensation provided for by this act, or provided for by section 2813*a*, of the Revised Statutes, for the year 1900 and thereafter. And further, that the provisions of section 2813*aa*, known as senate bill No. 7, as passed January 24th, 1902, in so far as it conflicts with this act and not otherwise, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 55G

[Senate Bill No. 64.]

AN ACT

To amend section 5302 of the Revised Statutes of Ohio as amended April 16, 1900. Relative to bills of exceptions.

Be it enacted by the General Assembly of the State of Ohio:

Bills of exception:

SECTION 1. That section 5302 of the Revised Statutes of Ohio, as amended April 16, 1900, O. L., Vol. 94, p. 397 be amended so as to read as follows:

Time of its allowance and signing.

Sec. 5302. If the exception be not true, then, after it is corrected, the trial judge, or a majority of the judges composing the trial court, must allow and sign it before the case proceeds; or if the party excepting consents within fifty days after the overruling of the motion for a new trial or the decision of the court when a motion for a new trial is not necessary; or in case of the absence of the trial judge or judges from the district, on or before the fiftieth day of the next ensuing term of the court, in accordance with the provisions of section 5301; the bill of exceptions shall be filed with the pleadings, and if the party filing the same shall request it,

Absence of trial judge.

Filing and record.

made part of the record, but not spread upon the journals. And an entry of the allowance and signing of the same must be entered upon the journal of the court within the time fixed for such allowance and signing. Provided, that where exceptions are not allowed and signed during the progress of the trial, the party excepting shall submit the bill of exceptions to the opposite counsel for examination not less than ten days before the expiration of said fifty days, which counsel shall return the same within five days thereafter, and which bill of exceptions, after such submission to counsel shall not be altered, changed, interlined or in any manner mutilated by any person except by order of the trial judge, or judges authorized to sign the same, but if counsel have objections to any part of the bill he may so state in writing on a separate paper; and whoever violates this section by any such alteration, change, interlineation or mutilation shall be, by order of the trial judge or judges, punished as for contempt of court. And unless the trial judge or judges shall be absent from the district as provided in section 5301, the same shall be submitted for his or their signature, not less than five days before the expiration of said fifty days, and if said trial judge or judges find the bill of exceptions to be not correct, he or they shall correct the same or furnish therewith to counsel written minutes wherein the same is to be corrected. Provided, further, that the trial judge or judges may at his or their discretion extend the time for signing such bill of exceptions for a period not exceeding ten days beyond the expiration of said fifty days, which extension must be endorsed on the bill of exceptions by said trial judge or judges.

Entry upon journal.

Submission to opposite counsel.

Submission to trial judge or judges for signature.

Extension of time for signing.

SECTION 2. Said section 5302 as amended April 16, 1900 is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 56G

[Senate Bill No. 27.]

AN ACT

To amend section 5725*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5725*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Dower:

Sec. 5725*a*. That any real estate or interest therein, coming to any person by purchase after the husband or wife of such person is adjudged insane, and is an actual inmate

Conveyance of real estate, free from dower, if wife or husband is insane.

of any asylum for the insane provided by this state, or confined in the insane department of any epileptic hospital of this state, or any state of this union, may be conveyed by such person, at any time while such insane husband or wife remains an inmate of any such asylum, free and clear, from any dower right, or expectancy of such insane person, and dower shall not attach to any such real estate both so acquired and conveyed during said time as aforesaid in favor of such insane person, and the indorsement upon the instrument of conveyance, by the superintendent of any such asylum, that such husband or wife is an insane inmate of such asylum stating when received therein, signed officially by him, shall be sufficient evidence of the fact that such husband or wife is such insane inmate and such indorsement shall be a part of such instrument of conveyance.

Repeals.

SECTION 2. That section 5725a of the Revised Statutes of Ohio, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 57G

[Senate Bill No. 22.]

AN ACT

To amend section 5227 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Trial on appeal:

SECTION 1. That section 5227 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Notice of appeal to circuit court and undertaking therefor.

Sec. 5227. A party desiring to appeal his cause to the circuit court shall, within three days after the judgment or order is entered on his docket by the trial judge file a written notice (1) of such intention, and, within thirty days after the entering of such judgment or order by the trial judge, (2) give an undertaking with sufficient surety, to be approved by the clerk (3) of the court or a judge thereof, as hereinafter provided.

Repeals, etc.

SECTION 2. Said original section 5227 of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 58G

[Senate Bill No. 8.]

AN ACT

To amend section 2397 of the Revised Statutes of Ohio, and to supplement said section by adding thereto section 2397*a*.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2397 of the Revised Statutes of Ohio be and the same is hereby so amended as to read as follows:

Assessments:

Sec. 2397. The council may provide for the construction of branch or local sewers within any street, or other public ground, within the corporation, wherein a main sewer is not established or built, which local sewers shall connect with a main sewer convenient thereto in the corporation, or with a main or branch sewer in an adjoining corporation, if, in the opinion of the council, the same be more convenient and advantageous; and if the corporation is divided into sewer districts, such connections, within the corporation, shall be with a main sewer in the district wherein said local sewers are constructed; but no sewer shall be considered local, except such as are intended and used exclusively for the drainage and accommodation of lots abutting thereon.

Construction of branch or local sewers.

SECTION 2. That said original section 2397 of the Revised Statutes of Ohio, be and the same is hereby repealed.

Repeals.

SECTION 3. That said section 2397 of the Revised Statutes of Ohio, be and the same is hereby supplemented by adding thereto section 2397*a* as follows:

Sec. 2397a. If, in the opinion of the council of any corporation, any branch or local sewer in any street or public grounds can be more conveniently and advantageously connected with a sewer of an adjoining corporation, such council may make application to the council of such adjoining corporation for the right to make and maintain such sewer connection, and just and reasonable compensation for such right shall be agreed upon between said councils and shall be paid by said corporation, and if the same be divided into sewer districts, shall be paid from the fund of the district wherein said streets or public grounds are situated. The manner of constructing said sewer connections and of making payment of said compensation shall be according to the terms of agreement between said councils.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 59G

[Senate Bill No. 20.]

AN ACT

Fixing a penalty for the unauthorized presentation of dramatic plays and musical compositions.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to perform dramatic composition without consent of owner; penalty.

SECTION 1. That any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic composition or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated and without the consent of its owner or proprietor permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars and not more than three hundred dollars, or be imprisoned not less than thirty days or more than three months, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 60G

[Senate Bill No. 122.]

AN ACT

To authorize the council of any city of the fourth grade, second class, which at the last federal census had a population exceeding 16,000, to issue and sell bonds to enlarge and extend water works.

Be it enacted by the General Assembly of the State of Ohio:

Water works in certain cities.

SECTION 1. That the council of any city of the fourth grade, second class, which at the last federal census had, or which at any subsequent federal census may have a population exceeding sixteen thousand (16,000), in which city water works have been wholly or partially constructed, and in which a board of trustees has been elected therefor, is hereby authorized and empowered to enlarge and extend said water works; and the city council of any city for the purpose of any such enlargement and extension, is hereby authorized to issue the bonds of the city, not exceeding in the aggregate $50,000.00.

Bonds.

The bonds herein authorized to be issued may run any length of time not exceeding thirty years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually to be issued and sold according to law; the proceeds

thereof to be applied to defray the costs and expenses of the said enlargements and extensions, and for no other purpose whatever.

Submission of question to vote.

Provided, that the question of issuing said bonds shall be first submitted to the vote of the qualified electors of any such city, at any general or special election to be held in any such city, ten days' notice of which shall be given by publication in the newspapers of general circulation in any such city, and if two-thirds of the votes cast at such election shall be in favor of issuing bonds aforesaid, the council shall have authority to issue the same as hereinbefore provided.

Tax levy.

SECTION 2. If the authority to issue said bonds is ratified by the electors of any such city, as provided for in section one (1) of this act, the council is further empowered to levy such an amount of the tax upon the taxable property of the city, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds, when the same become due. Said taxes to be levied and collected in the manner as taxes for general purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 61G

[House Bill No. 51.]

AN ACT

To amend sections 6826, 6827 and 6827*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Crimes against the person: Abduction.

SECTION 1. That sections 6826, 6827 and 6827*a* be so amended as to read as follows: Whoever abducts a girl who is an inmate of the girls' industrial home, or a girl or boy from the Ohio soldiers' and sailors' orphans' home, or boys' industrial school shall be imprisoned in the penitentiary not more than five years nor less than one year.

Enticement.

SECTION 2. Whoever persuades, induces, or attempts to entice a girl who is an inmate of the girls' industrial home, or a girl or boy of the Ohio soldiers' and sailors' orphans' home, or a boy who is an inmate of the boys' industrial school to escape therefrom, shall be fined not more than one hundred nor less than twenty dollars.

Trespassing.

SECTION 3. Whoever trespasses, idles, lounges or loiters upon the grounds of the girls' industrial home, or upon

the grounds of the Ohio soldiers' and sailors' orphans' home, or upon the grounds of the boys' industrial schools or communicates, or attempts to communicate, by signals, signs, writing or otherwise, with the inmates of said homes, or conveys or assists in any way in establishing communications between the inmates of said homes and any person or persons outside of said institutions, except as authorized by the rules and regulations of its board of trustees, shall be fined not more than ten dollars, or imprisoned not more than ten days, or both, at the discretion of the court.

Repeals.

SECTION 4. Said original sections 6826, 6827 and 6827*a* be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 62G

[House Bill No. 290.]

AN ACT

To abolish the office of infirmary director in cities of the third grade of the first class, and to repeal section 1623 of the Revised Statutes of Ohio in so far as the same applies to the appointment of directors of the infirmary in such cities.

Be it enacted by the General Assembly of the State of Ohio:

Infirmary director in Toledo; office abolished.

SECTION 1. That in cities of the third grade of the first class the office of infirmary director be, and the same hereby is abolished, and the duties now incumbent upon and the powers possessed by such directors or director shall be hereafter performed by and vested in the county commissioners of the county in which such cities are situated, respectively.

Repeals.

SECTION 2. That section 1623 of the Revised Statutes of Ohio in so far as the same applies to the appointment of directors of the infirmary in cities of the third grade of the first class, be and the same hereby is repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 63G

[House Bill No. 195.]

AN ACT

To amend section 2808 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Boards of equalization:

SECTION 1. That section 2808 of the Revised Statutes of Ohio be so amended as to read as follows:

State board for banks.

Sec. 2808. The governor, auditor of state, and attorney general shall constitute a board for the equalization of the shares of incorporated banks, and also the shares of unincorporated banks whose capital is divided into shares, each of which shares is an aliquot part of the capital so divided, and for this purpose they shall meet on the third Tuesday of June, annually, at the office of the auditor of state, and examine the returns of said banks to the county auditors and the value of said shares as fixed by the county auditors, as the same shall have been reported by the county auditors to the state auditor.

Repeals.

SECTION 2. That section 2808 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 64G

[Senate Bill No. 249.]

AN ACT

To amend sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio as amended March 25, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Boxwell examination.

SECTION 1. That sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio be amended to read as follows:

Examination for entering high school.

Sec. 4029-1. Each board of county school examiners shall hold examinations of pupils of township, special and joint subdistricts in the subjects of orthography, reading, writing, arithmetic, English grammar and composition, geography, history of the United States including civil government, and physiology. Two such examinations shall be held annually, one on the third Saturday in April, and one on the second Saturday in May, at such place or places as the county board of examiners may designate. The questions for all such examinations, throughout the state, shall be uniform and be prepared under the direction of the state commissioner of common schools, and sample lists shall be mailed, under seal, to the clerks of the said

Number of examinations; when and where.

Preparation of questions.

boards of examiners not less than ten days before each examination. Upon receipt of said lists, the said boards are authorized and required to have a sufficient number of copies of the same printed for use at the examination. Only such applicants as receive an average grade of seventy per cent., with no grade less than fifty per cent. in any branch shall be passed. It shall be the duty of the township boards of education upon written notice, filed by a successful applicant, with the clerk of the board of education, to provide for holding a township commencement not later than the month of June, at some place within the civil township, and to appoint some suitable person to have charge of the same. At this commencement each successful applicant residing in the township school district or any special or joint subdistrict having its schoolhouse located within the civil township of which the township district forms a part, shall be required to deliver an oration or declamation, or read an essay; thereupon said board of education shall issue a certificate to each successful applicant, stating that said applicant has taken part in said commencement. The board of county school examiners shall provide for the holding of a county commencement not later than August fifteenth, at such place as it may determine. At this commencement there shall be delivered an annual address, at the conclusion of which a diploma shall be presented to each successful applicant who has complied with the provisions of this act; said diploma shall entitle the holder thereof to enter any high school in the state.

Township commencement.

County commencement; diploma.

Compensation of examiners and contingent expenses

Sec. 4029-2. The compensation of county examiners shall be the same as that fixed in section 4075 of the Revised Statutes of Ohio for the examination of teachers, and each member of the said board of examiners shall be allowed the minimum fee provided for holding examinations for teachers as remuneration for his services incident to the county commencement, and such compensation and the necessary expenses incident to the examination and county commencement shall be paid out of the county treasury as provided in said section 4075; no other compensation shall be allowed county examiners for holding the county commencement. The expenses incident to the township commencement shall be paid by the township board of education from the contingent fund of the township district, and when the pupils of special districts take part in such commencements the boards of education of such districts shall pay, from their contingent funds, to the township board of education their share of such expenses, such share to be based on the proportion of pupils, from each district, taking part in such commencements; a proportional share for pupils from joint subdistricts, taking part in such commencements, shall be paid from the contingent fund of said joint subdistricts.

Tuition.

Sec. 4029-3. The tuition of pupils holding diplomas and residing in township, special, or joint subdistricts, in which no high school is maintained, shall be paid by the board of education of the district in which they have legal school

residence, such tuition to be computed by the month and an attendance any part of the month shall create a liability for the entire month; but a board of education maintaining a high school shall charge no more tuition than it charges for other nonresident pupils, and no board of education shall be required to pay the tuition of any pupil for more than four school years; provided the board of education shall be required to pay the tuition of all successful applicants, who have complied with the provisions of this act, residing more than three miles from the high school provided by said board, when said applicants attend a nearer high school. The tuition of pupils residing in joint subdistricts shall be paid by the boards of education, having control of such districts, from the contingent funds of said districts. A board of education not maintaining a high school may enter into an agreement with one or more boards of education maintaining such school for the schooling of all its high school pupils and when such agreement is entered into the board making the same shall be exempt from the payment of tuition at other high schools; provided the school or schools selected are located in the same civil township, or some adjoining township, as that of the board making the agreement. Where no such agreement is entered into the school to be attended can be selected by the pupil holding a diploma; provided, due notice in writing, is given to the clerk of the board of education of the name of the school to be attended and the date the attendance is to begin, said notice to be filed not less than five days previous to said beginning of attendance. Said tuition can be paid from either the tuition or contingent funds, and in case the board of education deems it necessary it may levy a tax of not to exceed two mills on each dollar of taxable property in the district or joint subdistrict in excess of that allowed by section 3959 of the Revised Statutes of Ohio; the proceeds of said levy shall be kept in a separate fund and applied only to the payment of such tuition.

What shall constitute a high school.

Sec. 4029-4. No board of education shall be entitled to collect tuition under this act unless said board shall be maintaining a regularly organized high school with a course of study extending over not less than two years and consisting mainly of branches higher than those in which the pupil is examined. Should the question arise as to the standing or grade of any particular high school, the state commissioner of common schools is hereby authorized to determine the grade of such school and his finding in the case shall be final.

Repeals, etc.

SECTION 2. That sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio, as amended March 25, 1902, are hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 28, 1902. 65G

[House Bill No. 155.]

AN ACT

To provide for the transfer of libraries and library property to boards of education, and to authorize such boards to provide for the care and maintenance of same.

Be it enacted by the General Assembly of the State of Ohio:

City board of education may acquire private library.

SECTION 1. That whenever in any city organized under chapter 4, division 2, of title 12, of the Revised Statutes of Ohio, there is a library owned by a private incorporated or unincorporated association which the owners, or managers thereof, are willing to dispose of and to transfer to the board of education of such city or school district within which said city is situate, the said board of education is hereby authorized to acquire from said association by purchase, or otherwise, said library and the property used by said association for library purposes. Upon acquiring title to said library and property, the said board of education shall declare the same to be a public library and shall elect a board of managers therefor, consisting of six persons, two of whom, at the first election shall be elected for a period of three years, two for a period of two years, and two for a period of one year, and thereafter, upon the expiration of said terms, and all succeeding terms, said managers shall be elected for three years. And said board of education shall fill vacancies in said board of managers for unexpired terms in like manner, and said board of managers shall at all times be amenable to and under the control of said board of education as to tenure of office and authority and shall serve without compensation. The president of said board of education shall be ex-officio a member of said board of managers, but otherwise, no member of said board of education shall be a member of said library board.

Shall be made a public library.

Board of managers.

Vacancies in board.

Powers and duties of managers.

SECTION 2. Said board of managers shall have the care, custody, control and management of said library and property under such rules and regulations as they shall prescribe and shall have the power to receive donations of land, money and other things of value, and to hold, dispose of, or use the same for the benefit of such library. The use of said library shall be free to all residents of said city and territory thereto attached for school purposes. Said board shall have the power to lease or rent suitable place for the use of said library and establish a reading room or rooms in connection therewith.

Organization of board; librarian and assistants.

SECTION 3. Said board of managers shall elect from their number a president, vice president, and secretary, and shall appoint a librarian and such assistants and employes as may be necessary for the proper conduct of said library. The term of office of said appointees shall be at the pleasure of the board, but shall not exceed three years.

Tax levy.

SECTION 4. For the purpose of paying for such library purchased and of maintaining and increasing said library and reading rooms, the said board of education may

levy upon the general tax duplicate of the school district within which such city is situate, a tax of not to exceed six-tenths of one mill on each dollar of valuation of the taxable property of said school district which shall be levied, assessed, and collected as other taxes levied by said board and shall be in addition thereto. The proceeds of said tax when collected, shall constitute and be called the library fund, and shall be paid to the treasurer of the school district, who shall disburse same only upon warrant of said board of managers, signed by the president and secretary thereof. Said board of managers shall expend said fund in the purchase of books, pamphlets, papers, magazines, periodicals, journals, furniture, and such other property as may be necessary for such library and reading rooms, and in the payment of all proper charges for maintenance, including the compensation of the librarian and other employes of said board. No part of said fund shall be transferred, or used for any other purpose than as provided in this section. All money heretofore appropriated, received, or collected by tax levied for public library purposes in said city, or school district, and remaining unexpended shall be transferred to said library fund, and be expended by said board of managers in accordance with the provisions of this act.

Expenditure of funds.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 66G

[Senate Bill No. 234.]

AN ACT

To amend section 3 of an act entitled "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines, and pioneers of the several counties of the state," passed March 12, 1902, (in order that a clerical error may be corrected.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," passed March 12, 1902, be and the same is here amended so as to read as follows:

County memorial building.

Sec. 3. Immediately upon the appointment and organization of said board of trustees, they shall certify to the deputy supervisors of election of the county, in which such board is organized, the fact of their appointment and or-

Question of erection to be submitted to vote.

ganization, and direct the submission to popular vote at the next regular county election of the question of the issue of bonds in the amount specified by the county commissioners in their original resolution, and of the erection and maintenance of the memorial building contemplated. The deputy supervisors of election of said county shall submit said question to popular vote at the next regular county election with such forms of ballot as said deputy supervisors may prescribe and shall certify the result of said election to the board of trustees. If a majority of the votes cast upon said question is in favor of said issuance of said bonds and the construction and maintenance of said memorial building, said board of trustees shall proceed as hereinafter authorized.

Repeals, etc.

SECTION 2. That said original section 3 of the act entitled "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines, and pioneers of the several counties of the state," passed March 12, 1902, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 67G

[House Bill No. 339.]

AN ACT

To amend section 3238 and to repeal sections 5855, 5856 and 5857 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations, etc.:

SECTION 1. That section 3238 of the Revised Statutes of Ohio be amended so as to read as follows:

Articles must be acknowledged, certified and filed with secretary of state.

Sec. 3238. The official character of the officer before whom the acknowledgment of articles of incorporation is made shall be certified by the clerk of the court of common pleas of the county in which the acknowledgment is taken, and the articles shall be filed in the office of the secretary of state, who shall record the same, and a copy duly certified by him shall be prima facie evidence of the existence of such corporation, and all certificates thereafter filed in the office of the secretary of state relating to the corporation shall be recorded; but the secretary of state shall not in any case file or record any articles of incorporation in which the name of the corporation is such as is likely to mislead the public as to the character or purpose of the business authorized by its charter, or is the same as one already adopted or appropriated by an existing corporation of this state or so similar to the name of such existing corporation as to

As to name or similar name.

be likely to mislead the public, unless the written consent of such prior existing corporation, signed by its president and secretary, be at the same time filed with such articles of incorporation.

SECTION 2. That sections 3238, 5855, 5856 and 5857 of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 68G

[House Bill No. 248.]

AN ACT

To repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of an act passed April 8, 1896, 92 Ohio Laws, pages 123 and 132, inclusive."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of an act passed April 8, 1896, 92 Ohio Laws pages 123 and 132 inclusive, be and the same are hereby repealed. Garfield corrupt practice law repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 69G

[House Bill No. 185.]

AN ACT

To provide for the abandonment and sale of a portion of the Wabash and Erie canal.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the portion of the Wabash and Erie canal, lying between the junction of said canal with the Miami and Erie canal and the lock one mile west from said junction, all in Paulding county, Ohio, be and the same is hereby abandoned. Wabash and Erie canal; abandonment of portion of.

SECTION 2. Said canal lands shall be sold subject to the provisions of section 218-231 of the Revised Statutes of Ohio. Said canal lands shall be sold.

Said lands to be transferred to owners of land through which canal runs.

SECTION 3. And the land occupied by said canal, t ing path and berme banks in total be, and the same is her transferred to the owners of the tracts of land thro which said canal runs, except so much thereof as has b sold heretofore by the state, but subject to all legal highw and legally established ditches and watercourses alc across, and upon the same.

SECTION 4. This act shall take effect and be in fc from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sen

Passed March 31, 1902. 70G

[House Bill No. 86.]

AN ACT

To further supplement section 1692 of the Revised Statutes of O

Be it enacted by the General Assembly of the State of Ol

Cities and villages; enumeration of powers.

SECTION 1. That the following shall constitute a s tion supplementary to section 1692 of the Revised Statu of Ohio, with sectional numbering as follows:

Sec. 1692*h*. To regulate, restrain, or prohibit the ke ing, for breeding purposes, of any stallion, jack or bull.

SECTION 2. This act shall take effect and be in fc from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sen

Passed April 1, 1902. 71G

[House Bill No. 256.]

AN ACT

To reënact section 711 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ol

Asylums for the insane:

SECTION 1. That section 711 of the Revised Statu of Ohio be and the same is hereby reënacted as to read follows:

Admission of patients to state hospitals on voluntary application.

Sec. 711. (Admission of patients to state hospit on voluntary application). A person in an incipient st of mental derangement may apply for admission to a treatment in the state hospital for the district in wh such person resides; and the superintendent of such hosp is authorized to receive such person as a patient in said h

pital for not more than sixty days, if he is satisfied from his own examination and the written statement of some reputable physician familiar with the applicant's condition, and covering the several heads specified in section 704 of the Revised Statutes of Ohio, that the applicant is in an incipient stage of mental derangement, in need of such treatment as the hospital affords, and likely to be benefitted thereby. The applicant must be an inhabitant of this state, as defined in section 706, of the Revised Statutes of Ohio, able to appreciate the reason for and purpose of his application; and the application must be in writing, signed by the applicant, and in such form as the superintendent shall prescribe. Provided, however, the number of persons cared for as patients in any hospital under this section shall not at any one time exceed five.

Number of such patients.

SECTION 2. Nothing in this act shall authorize the admission of any patient to any hospital from any county having persons already adjudged insane by the probate court, who are awaiting admission to such institute.

Exception when quota of county is filled.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 72G

[House Bill No. 1.]

AN ACT

To supplement section 3322 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3322 of the Revised Statutes of Ohio be supplemented by section 3322*a*, as follows:

Railroad companies:

Sec. 3322*a*. Any company using or occupying any land as a right of way, without paper title or contract of record therefor, shall within six months after the passage of this act present a correct survey and plat of such land, exhibiting the quantity in such right of way taken from the lands of an owner abutting on such right of way, as it then stands on the tax duplicate of such county, to the auditor of the county in which such land is situate, who shall charge such land on his duplicate to such company, so used or occupied by any such company and such relative quantity shall be deducted by the auditor from the land on the tax duplicate, so that the abutting owners thereof shall not be required to pay the taxes thereon; and all costs of such survey, plat and transfer shall be paid by the company. Upon the failure of any company to have made such survey plat and transfer the owner or owners of such abutting land may

Taxation of land used as right of way.

have the same made and recover the costs thereof in an a
tion against such company before any court having jurisdi
tion thereof.

SECTION 2. This act shall take effect and be in for
from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representativ
CARL L. NIPPERT,
President of the Sena

Passed April 1, 1902. 73G

[House Bill No. 388.]

AN ACT

To amend section 930 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Children's homes:

SECTION 1. That section 930 of the Revised Statut
of Ohio be amended so as to read as follows:

Board of trustees; appointment and term.

Sec. 930. When the necessary site and building a
provided by the county, the commissioners shall appoint
board of four trustees, not more than two of whom sha
be of the same political party, who shall hold their offic
as follows: One for one year, one for two years, one f
three years, and one for four years, from the first Monda
of March thereafter; and annually after said board is
constituted, the county commissioners shall, on the first Mo
day of March, appoint one trustee for said children's hom
who shall hold his office for the term of four years, and u
til his successor is appointed and qualified; and said boa

Superintendent; duties and compensation.

of trustees shall designate some suitable person who sha
act as superintendent of said home, and who shall also
clerk of said board of trustees; and shall receive for h
services such compensation as the board of trustees desi
nate at the time of his appointment; and he shall perfor
all such duties, and give security for the faithful perfor

Compensation of members of board.

ance of them, as the trustees by law direct. The truste
shall not receive any compensation for their services, b
may be allowed by the board of county commissioners th
necessary expenses incurred while on duty, said expens
to be paid by warrant of the county auditor upon the trea
urer of such county; and the superintendent shall have t
entire charge and control of said home, and the inmat
therein, subject to such rules and regulations as shall
prescribed by the trustees; and said trustees may, upon t

Matrons and teachers.

recommendation of the superintendent, appoint a matro
assistant matron, and teachers, whose duties shall be t
care of the inmates of said home, to direct their employmer
giving suitable physical, mental and moral training to the
The matron shall under the direction of the superinten
ent, have the control, general management and supervisi

of the household duties of said home, and the matron, assistant matron and teachers, shall each perform such other duties, and receive for their services such compensation as the trustees may by by-laws from time to time direct; and they may be removed at the pleasure of the trustees, or a majority of them. The superintendent may suspend temporarily a matron, assistant matron, or teachers, notice of which must be immediately given to the board of trustees for their approval or disapproval; provided, that the trustees may, if in their judgment it is for the best interest of the home and of the county, dispense with a superintendent and authorize the matron to assume the entire charge of the home and its management.

Compensation.

Removal or suspension.

Superintendent may be dispensed with.

SECTION 2. Said section 930 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force on and after its passage.

Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 74G

[Senate Bill No. 69.]

AN ACT

To amend section 3641 of the Revised Statutes of Ohio, as amended April 21, 1898, (O. L., vol. 93, page 170.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3641 of the Revised Statutes of Ohio, as amended April 21, 1898, be so amended as to read as follows:

Insurance companies other than life:

Sec. 3641. A company organized under this chapter may —

1. Insure houses, buildings and all other kinds of property against loss or damage by fire and lightning and tornadoes, in and out of the state, and make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be.

Powers of companies.

2. Make insurance on the health of individuals and against personal injury, disablement or death, resulting from traveling or general accidents by land and water; make insurance against loss or damage resulting from accident to property, from cause other than fire or lightning; guarantee the fidelity of persons holding places of public or private trust, who may be required to, or do, in their trust capacity, receive, hold, control, disburse public or private moneys or property; guarantee the performance of contracts other than insurance policies, guarantee the validity of titles to real property, and execute and guarantee bonds

and undertakings required or permitted in all actions or proceedings, or by law allowed.

3. Make insurance on the lives of horses, cattle or other live stock against loss by death caused by accident, disease, fire or lightning, and against loss by theft and damage by accident; provided, that such company shall have a capital of one hundred thousand dollars, with at least twenty-five (25) per cent. of the capital stock paid up.

4. Receive on deposit and insure the safe keeping of books, papers, moneys, stocks, bonds and all kinds of personal property; lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan which it may have made on mortgages, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects; but no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of said purposes shall issue policies of insurance of any other; provided, however, that no company, organized under the laws of the state to transact the business of guaranteeing the fidelity of persons holding places of public or private trust, or of executing or guaranteeing bonds or undertakings, as aforesaid, shall commence business until it had deposited with the superintendent of insurance two hundred thousand dollars in securities permitted by sections 3637 and 3638 of the Revised Statutes, which shall be held by said superintendent for the benefit and security all of the policy holders of the company, and which shall not be received by the said superintendent at a rate above their par value; nor shall a company, organized under the laws of another state, be licensed to transact any such business in this state unless at least two hundred thousand dollars of its assets are invested in securities permitted by sections 3637 and 3638 of the Revised Statutes of this state, and such securities are deposited with the superintendent of insurance of this state, or the superintendent of insurance or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such securities are deposited with the superintendent of insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer under his hand and official seal that he, as such officer, holds in trust on deposit for the benefit of all the policy holders of such company the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least two hundred thousand dollars; the securities so deposited with the superintendent of insurance may be exchanged from time to time for other like securities, and so long as the corporation depositing the securities shall continue solvent and comply with the laws of this state it shall be permitted by the superintendent of in-

Limitation.

Deposit required of guarantee companies.

surance to collect the interest or dividend on such deposit; provided, also, that any company which shall execute any bond as surety under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability; and the superintendent of insurance and other officers of this state having the control or custody of any deposit of $30,000 in securities heretofore required to be made by companies of other states under section 3641 of the Revised Statutes of Ohio shall deliver the same to the depositors thereof and said officers shall be and are hereby relieved from further custody control or liability for or in respect of the same or the surrender thereof from and after the passage of this act.

Denial of corporate power barred.

Foreign insurance companies; return of deposits.

SECTION 2. That section 3641 as amended April 21, 1898, be and the same is hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 75G

[House Bill No. 609.]

AN ACT

To amend section 2440 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2440 of the Revised Statutes of Ohio be amended so as to read as follows:

Fire department: Cincinnati.

Sec. 2440. The board shall have power to appoint a fire marshal, who shall be the executive officer of the board, and have the active management of the fire department when in service, and such number of assistant fire marshals as may, in the judgment of the board, be required for an effective management of the department, whose terms of office shall be three years, and until their successors are elected and qualified. And the board shall appoint such other officers and employes as may be necessary for the efficient management of the department, who shall hold their positions until removed by death, resignation or for incompetency, inefficiency, permanent disability, insubordination or violation of a rule or regulation of the department. No member or officer shall be appointed or removed on account of his religious or political opinion, nor shall any officer or member participate in political conventions, or primary convocations of any political party whatever. The board may prescribe what shall constitute membership in said department, and shall fix the salaries and prescribe the duties of the fire marshal, assistants, and

Fire marshal and other officers; appointment, term, salaries, etc.

of all officers and members of the department, provid
however, that as to the following officers and members
the department the annual salaries shall be fixed wit
the following prescribed limits, viz: Fire marshal not l
than $3,000 nor more than $5,000; first and second assist
fire marshals not less than $2,000 nor more than $2,5
other assistant fire marshals not less than $1,800 nor m
than $2,200; secretary not less than $1,800 nor more th
$2,200; assistant secretary not less than $1,150 nor m
than $1,500; captains not less than $1,260 nor more th
$1,400; lieutenants not less than $1,116 nor more th
$1,200; engineers not less than $1,200 nor more than $1,3
stokers or assistant engineers not less than $1,080 nor m
than $1,150; pipemen, truckmen, linemen, or repaire
drivers and plugmen, not less than $1,080 nor more th
$1,150; assistant superintendent of fire alarm telegraph
less than $1,600 nor more than $1,800; operators not l
than $1,140 nor more than $1,200; assistant operators
less than $600.00 nor more than $900.00; and the s
annual salaries shall be payable semi-monthly.

SECTION 2. That section 2440, of the Revised Statu
of Ohio, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in fo
from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sena

Passed April 2, 1902. 76G

[House Bill No. 169.]

AN ACT

To amend sections 6301-1 and 6301-3 of the Revised Statu
of Ohio.

Be it enacted by the General Assembly of the State of Oh

Guardians and trustees:

SECTION 1. That sections 6301-1 and 6301-3 of
Revised Statutes of Ohio be amended so as to read
follows:

Real property of minors may be leased for mining purposes.

Sec. 6301-1. That the guardian of the person and
tate, or estate only, of any minor, may be authorized by
probate court of the county in which the lands are situat
to lease upon such terms and for such period of time
exceeding ten years, any lands in such county belonging
such ward, supposed to contain coal or gypsum, for the p
pose of mining for and removing the same, and if said
riod of ten years extend beyond the minority of such wa
it shall then terminate as to such ward, unless such wa
confirms the same.

Land to be viewed by disinterested free holders.

Sec. 6301-3. At the time appointed for the hearing
the petition, if the court find that it will be to the advanta
of the ward to lease the lands as prayed for in the petiti

said court shall appoint three disinterested freeholders of the vicinity who are not of kin to the petitioner, to view such lands and report in writing to the court their opinion as to the prospects of their containing coal or gypsum and in what quantity, and the terms upon which it would be advantageous to said ward to lease said lands for mining said coal or gypsum, and before entering upon the discharge of their duties under this act, said freeholders shall take an oath to faithfully and impartially discharge such work.

Repeals.

SECTION 2. That sections 6301-1 and 6301-3 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 77G

[House Bill No. 379.]

AN ACT

To supplement section 2926 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2926 of the Revised Statutes of Ohio be supplemented by a supplemental section with sectional numbers as follows:

East Liverpool; registration laws, how applied to.

Sec. 2926*x*. Provided further, that the provisions of said section 2926*h* and all other sections of the statutes of the state of Ohio concerning and regulating the registration of electors and the holding of elections and voting in cities of the second class in said state, be and the same are hereby extended to and made applicable to any city or cities in said state having at the last federal census a population of not less than sixteen thousand one hundred nor more than seventeen thousand inhabitants, and that in such city or cities where no registration of such electors in such city or cities has heretofore been made under the provisions of the registration laws of said state now in force therein, the deputy state supervisors of elections for the counties in which said cities are located, shall immediately on the taking effect of this act proceed to appoint a secretary, registrars of elections, judges, clerks of elections and such other clerks, officers and agents as are now provided for by the registration laws of said state applicable to a general registration of electors in cities of the second class in said state, and appoint times and places for such registration, and provide suitable rooms, furniture, blanks and all other things now authorized to be provided for the registration of electors in said cities of the second

class in said state, and make all the needful rules and regulations, and furnish all needed ballot boxes, ballots, blanks, papers and all such other materials, and appoint all such assistants, employes and officers as may be necessary to carry out the provisions of said statutes as to elections in said cities of the second class in said state and make the same applicable to a city or cities having the population aforesaid in said state, and in all respects enforce the laws governing the same, so that all laws now in force applicable to the registration of electors in cities of the second class in said state and the way and manner of voting at any general or special election in said state shall be and the same hereby are extended to and made and declared to be in full force and effect as to any city or cities in said state having at the last federal census a population of not less than sixteen thousand one hundred nor more than seventeen thousand inhabitants, provided further, that on Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November next, a general registration of electors in said city or cities shall be had in accordance with the provisions of this supplemental section and other laws pertaining to registration in cities of the second class in said state, and the mode of conducting such elections in cities of the second class; and provided further, that the registration for the April elections be as provided in the general laws.

Question whether this act to apply to be submitted to vote.

SECTION 2. This act shall be in force on and after the first day of May, 1902, provided further, that at the election to be held on the first Monday in April, 1902, the question shall be submitted to the electors of all cities to which this act applies, and if the majority of the electors voting upon this question vote "Registration, Yes," then this act shall be in force, but if the majority of the electors voting upon this question vote "Registration, No," this act shall be null and void.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 78G

[House Bill No. 508.]

AN ACT

To amend section 1813 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police court:

SECTION 1. That section 1813 of the Revised Statutes of Ohio be amended so as to read as follows:

Prosecuting attorney and assistants.

Sec. 1813. The prosecuting attorney of the police court shall prosecute all cases brought before such court, and perform the same duties, as far as the same are appli-

cable to the police court, as required of the prosecuting attorney of the county; and except in cities of the first grade of the first class, the prosecuting attorney may appoint not to exceed three assistants who shall be assistant prosecuting attorneys of the police court, and perform the same duties, so far as applicable to the police court as performed by the prosecuting attorney of the police court. The persons thus appointed shall be subject to the approval of the city council and such assistants shall receive for their services in city cases such salaries as the council may prescribe, and the county commissioners may allow such further compensation as they deem proper.

Repeals, etc.

SECTION 2. Said original section 1813 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 79G

[House Bill No. 183.]

AN ACT

To amend section 4364-20 of the Revised Statutes of Ohio, and to supplement said section by enacting supplementary sections 4364-20*a*, 4364-20*b*, 4364-20*c*, 4364-20*d*, 4364-20*e*, 4364-20*f*, 4364-20*g*, 4364-20*h*, and 4364-20*i*.

Be it enacted by the General Assembly of the State of Ohio:

Beal municipal local option law.

SECTION 1. That section 4364-20 of the Revised Statutes be amended so as to read as follows, and be supplemented by the enactment of the following supplementary sections, to-wit, sections 4364-20*a*, 4364-20*b*, 4364-20*c*, 4364-20*d*, 4364-20*e*, 4364-20*f*, 4364-20*g*, 4364-20*h*, and 4364-20*i*.

Closing of saloons on Sunday.

Sec. 4364-20. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of the week, commonly called Sunday, except by a regular druggist on a written prescription of a regular practicing physician for medical purposes only, is hereby declared to be unlawful, and all places where such intoxicating liquors are on other days sold or exposed for sale, except regular drug stores, shall on that day be closed, and whoever makes any such sales, or allows any such place to be open or remain open on that day shall be fined in any sum not exceeding one hundred dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense shall be fined not more than two hundred dollars or be imprisoned in the county jail or city prison not less than ten days and not exceeding thirty days, or both. In regular hotels and eating houses the word "place" herein used shall be

Hotels and eating houses.

held to mean the room or part of room where such liquor are usually sold or exposed for sale and the keeping o such a room or part of room securely closed shall be held as to such hotels and eating houses as a closing of the place within the meaning of this section. And any municipal corporation shall have full power to regulate the selling furnishing or giving away of intoxicating liquors as a beverage and places where intoxicating liquors are sold, furnished or given away as a "beverage," except as provided for in section 4364-20*c* of this act.

Municipal regulation.

Petition for an election on saloon question.

Sec. 4364-20*a*. That whenever forty per cent. of the qualified electors of any municipal corporation shall petition the council thereof for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such municipal corporation, such council shall order a special election to be held in not less than twenty nor more than thirty days from the filing of such petition with the mayor of the municipal corporation or from the presentation of such petition to said council, which said petition shall be filed as a public document with the clerk of the municipality, and preserved for reference and inspection and which election shall be held at the usual place or places for holding municipal elections, and notice shall be given and the election conducted in all respects as provided by law for the election of members of the council of the corporation, so far as said laws may be applicable. The result of such election shall forthwith be entered upon the record of the proceedings of the council of the corporation by the clerk thereof, and in all trials for violation of this act, the original entry of the record, or a copy thereof certified by the clerk of the corporation, provided that said record shows that a majority of the votes cast at said election was against the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquors as a beverage or the keeping of a place where such liquors are sold, kept for sale, given away or furnished, if such selling, furnishing or giving away or keeping such place occurred after thirty days from the day of holding the election, was then and there prohibited and unlawful.

Special election to be held.

Notice and conduct of election.

Record of result of election; its value as evidence.

Ballots to be voted at such election.

Sec. 4364-20*b*. The ballots at any special election, held under the provisions of this act, shall be printed with an affirmative and a negative statement, to-wit: "The sale of intoxicating liquors as a beverage shall be prohibited," "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector an opportunity to clearly designate his choice by a cross mark as follows:

(.....) The sale of intoxicating liquors as a beverage shall be prohibited.

(.....) The sale of intoxicating liquors as a beverage shall not be prohibited.

When the sale in any municipality shall be unlawful.

And if a majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished, for beverage purposes, and whoever from and after the thirty days aforesaid in any manner directly or indirectly, sells, furnishes, or gives away, or otherwise deals in any intoxicating liquors as a beverage, or keeps or uses a place, structure or vehicle, either permanent or transient for such selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for a second offense be fined not more than five hundred dollars nor less than one hundred dollars, and for any subsequent offense be fined not less than two hundred dollars and be imprisoned not more than sixty days and not less than ten days. But nothing contained in any of the sections of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors, or in wholesale quantities to any party or parties residing outside the limits of said municipality.

Penalty for making such prohibited sale.

Manufacturers may sell at wholesale to retail dealers.

Meaning of phrase "intoxicating liquors."

Sec. 4364-20*c*. The phrase "intoxicating liquors" as used in this act shall be construed to mean any distilled, malt, vinous or any other intoxicating liquors; but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific, mechanical or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good faith upon written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling, unless such private dwelling is a place of public resort.

Regular druggists.

Rebate of Dow tax when sale discontinued.

Sec. 4364-20*d*. When any person, company or corporation has discontinued such traffic in accordance with the provisions of this act, within the time specified by section 4364-20*a* of this act, has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor, upon being satisfied of such fact, shall issue to such person, company or corporation, a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid.

What constitutes forty per cent. of the qualified electors.

Sec. 4364-20*c*. The petition for an election provided for in section 4364-20*a* of this act shall be deemed sufficient and the council shall order such an election when the petition is signed by as many qualified electors as shall equal in number forty per cent. of the number of votes cast in said municipal corporation at the last preceding general election in municipalities which are divided into wards; and in all other municipalities, forty per cent. of the qualified electors at the last preceding municipal election, and in indictments, affidavits, or informations for violation of this act it shall not be necessary to set forth the facts showing that the required number of electors in the municipal corporation petitioned for an election, that the election was held, or, that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful.

Sufficiency of indictments under this act.

Entry and record of result of election required by section 4364-20a.

Sec. 4364-20*f*. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act as required by sections 4364-20*a* and 4364-20*b*:

The State of Ohio, County of ....., municipal corporation of .....

The special election held on the ..... day of ....., A. D., ..., within and for the (municipal corporation of .....) under the local option law resulted as follows:

Whole number of votes "for the sale of intoxicating liquors as a beverage" .....

Whole number of votes "against the sale of intoxicating liquors as a beverage" .....

Clerk of .....

Disposition of fines.

Sec. 4364-20*g*. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed or bond forfeited, and shall be applied to such fund or funds as the council of the said corporation may direct.

Another election may be ordered; when.

Sec. 4364-20*h*. At any time after two years from the date of an election held under the provisions of section 4364-20*a* of this act another election may be petitioned for and shall be ordered as provided for in section 4364-20*a*.

Contest of election in probate court.

Sec. 4364-20*i*. Any person being a qualified elector of any municipal corporation wherein an election shall have been held as provided for in this act may contest the validity of such election by filing a petition duly verified with the probate court of the county in which such municipal corporation is situated, within ten days after the election, setting forth the grounds for contest.

Mayor shall be summoned.

The probate judge, upon the filing of such petition, shall forthwith issue a summons, addressed to the mayor of such municipal corporation, notifying him of the filing

of such petition and directing him to appear in said court on behalf of said municipal corporation, at a time named in the summons, which time shall be not more than twenty days after the election nor less than five days after the filing of such petition.

Method of procedure.

The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish sufficient security for costs before said petition is filed.

Repeals and saving clause for ordinances.

SECTION 2. That section 4364-20 of the Revised Statutes of Ohio be and the same is hereby repealed, but an ordinance passed by a municipal corporation under the authority given in said section prohibiting places where intoxicating liquors are sold at retail shall remain in full force and effect until thirty days after an election has been held in accordance with the provisions of section 4364-20*a* of this act. An ordinance passed by a municipal corporation under the authority given in said section regulating places where intoxicating liquors are sold at retail, shall remain in full force and effect until said ordinance is repealed or amended under the authority granted in section 4364-20 of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 3, 1902. 80G

[House Bill No. 125.]

AN ACT

To amend sections 306-1, 306-2, 306-3, 306-4 and 306-5, and to repeal sections 306-5*a*, 306-5*b*, 306-5*c*, 306-5*d*, 306-5*e* and 306-6 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Inspector of mines:

SECTION 1. That sections 306-1, 306-2, 306-3, 306-4, and 306-5 of the Revised Statutes of Ohio be amended so as to read as follows:

Maps of coal, gas and oil lands required to be made; when.

Sec. 306-1. It shall be the duty of every person, firm or corporation engaged in drilling or exploring for natural gas or oil upon any land from which coal is being mined upon notice from the chief inspector of mines of the state of Ohio, or from any district inspector of mines of said state, to make or cause to be made, an accurate map thereof,

which shall show the boundaries of each tract of land dril upon, and the buildings and all monuments found up such premises. Each well shall be plainly marked by name, number or letter, and located whenever possible w reference to some well defined and lasting monument, that its exact location may be determined. Such map sh contain a sworn statement of the person, firm or corpo tion operating such oil or gas wells, that it is a true a accurate representation of the property; and a copy ther shall be filed in the office of the chief inspector of mines a be open to inspection at all reasonable times.

Wells to be plainly marked.

Copy to be filed with inspector of mines.

Maps to be made before beginning operations.

Sec. 306-2. It shall be the duty of every person, fi or corporation leasing any land for coal mining purpos and upon which gas or oil wells have been drilled to, below any veins or seams of such mineral coal before p ceeding to mine such coal to make, or cause to be ma and filed in the office of the chief inspector of mines such map as is described in section 306-1 of the Revised Statu of Ohio.

Casing and sealing of well drilled in coal or other mineral lands.

Sec. 306-3. Whenever any person, firm or corporat sinks any well for gas or oil on lands upon which coal other mineral is being mined, and which well passes throu any mine, it shall be the duty of the person drilling su well to drill the hole to a depth of at least ten feet bel the vein of coal or other mineral being mined, when su hole shall be cased and sealed upon the outside of the casi with suitable material to the level of the coal floor; a each vein of mineral coal being mined, pierced by such w shall be sealed in same manner.

Sealing of well on abandonment.

Sec. 306-4. It shall be the duty of the owner of a well drilled for oil or gas and which in drilling shall ha passed through any vein of mineral coal, before abandoni or ceasing to operate such well, and before drawing casing therefrom, to seal the same in the manner follo ing: There shall be driven in such well to a depth of at le ten feet below the floor of the lowest coal measure a rou seasoned wooden plug at least three feet in length a equal in diameter to the diameter of the well at that po on the top of which plug there shall be filled at least se feet of sediment or drillings, or cement and sand. Wh any gas or oil well passes through any gas or oil bear rock lying above the coal measures, the owner of said w or his agent, shall, upon abandoning or ceasing to oper such well, drive a dry wooden plug not less than two f in length, equal in diameter to the diameter of the h to a point as near as possible to the top of the coal v on the top of which plug there shall be filled at least feet of sediment or drillings, or cement and sand, as mine inspector shall direct.

Failure of owner to cause well to be sealed.

In case such well is not plugged as aforesaid within days from the abandonment thereof, the chief inspector mines, or a district inspector of mines, may cause the w to be plugged, and the costs and expenses of such plugg

may be recovered of the person, firm or corporation whose duty it is to plug the same in the manner provided for the recovery of penalties by section 303-5 of the Revised Statutes of Ohio.

Penalty for non compliance, etc.

Sec. 306-5. Every person, firm or corporation, failing to comply with any of the provisions of this act, shall be subject to a penalty of not less than one hundred dollars, nor more than two hundred dollars, to be recovered by action in the name of the state, and on collection, paid into the treasury of the state to the credit of a fund which is hereby appropriated for prosecuting violations of this act, to be paid out on requisition signed by the chief inspector of mines. Such action may be instituted in the court of common pleas of the county wherein any such well is located, or of Franklin county. In addition to the penalties herein provided, any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, be fined in any sum not less than fifty dollars nor more than two hundred, or be imprisoned not less than ten days nor more than thirty days, or both.

Repeals, etc.

SECTION 2. Said original sections 306-1, 306-2, 306-3, 306-4, 306-5, 306-5*a*, 306-5*b*, 306-5*c*, 306-5*d*, 306-5*e*, 306-6 of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 3, 1902. 81G

{Senate Bill No. 41.}

AN ACT

To amend section 1104 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County treasurer:

SECTION 1. That section 1104 of the Revised Statutes of Ohio be amended so as to read as follows:

Action by treasurer for unpaid taxes.

Sec. 1104. When any taxes or assessments stand charged against any land or lots, or parcel thereof upon the general or any special duplicate (or any special duplicate of delinquent or forfeited taxes or assessments) for any purpose authorized by law, and the same, or any part thereof, are not paid within the time prescribed by law for the payment thereof, the county treasurer in addition to all other remedies provided by law, may and when requested by the auditor of state shall, enforce the lien of such taxes and assessments, or either, and any penalty due thereon, by a civil action in his own name as treasurer for the sale of said premises in the court of common pleas of the county, with-

Advancement of case.

Petition.

Evidence.

Judgment and decree.

Distribution of proceeds.

Treasurer may contract for collection of unpaid taxes.

Municipal assessments.

out regard to the amount claimed, in the same way mortgage liens are enforced, and the said court shall, upon the application of the plaintiff, advance said cases on the docket so that the same may be first heard; and it is sufficient having made the proper parties, for the treasurer to allege in his petition that the taxes and assessments, or either stand charged on the duplicate or duplicates against said premises, the amount thereof, and that the same are unpaid; and he shall not be required in the petition to set forth any other or further special matter relating thereto; and said duplicate or duplicates shall be received as prima facie evidence on the trial of the amounts and validity of such taxes and assessments, and of the nonpayment thereof; and if it is found that such taxes and assessments, or any part thereof, are due and unpaid, judgment shall be rendered for the same, penalty and costs, and said premises, or so much thereof as may be necessary to pay the same, shall be by order of the court sold to pay the same; and out of the proceeds of the sale shall first be paid the said judgment, next the costs, then the balance shall be distributed as may be just; and the owner or owners of such property shall not be entitled to any exemption as against such judgment, nor shall any statute of limitations be applicable to any action brought under this section; and if the lands or lots have been forfeited to the state, it shall not be necessary to make the state a party, but it shall be deemed a party through and represented by the treasurer; and in such proceedings the treasurer may join in one action all the lots or lands, or any number of them embraced in any one assessment, but the decree shall be rendered severally or separately for the taxes and assessments found due; and any proceeding may be severed in the discretion of the court, for the purpose of trial, revision or appeal where an appeal is allowed; and the court shall make such order for the payment of costs as shall be deemed equitable and proper; the auditor may place upon a separate duplicate the forfeited and delinquent taxes and assessments for the years prior to 1899 upon the request of the treasurer, and the validity and priority of lien of such taxes and assessments shall not be affected thereby; and the county treasurer shall have power to contract with suitable person or persons to collect any such delinquent or forfeited taxes or assessments at a compensation which may be deemed just and proper, subject to the approval of the county commissioners, but in no case to exceed twenty-five per cent. of the amount collected, the expense of collection under such contract to be borne by the person or persons so contracting; provided, however, that if any municipal assessments are included in any such contract the said contract as to such municipal assessments, shall be approved by the legislative body of the municipality interested in such municipal assessments, and the power is hereby given to the legislative body of any municipality to approve such contract as to such municipal assessments, and the person or persons so contracting shall

have the right to proceed under this section in the collection of said taxes and assessments or as otherwise provided by law. All such allowances shall be apportioned ratably by the county auditor among all the funds entitled to share in the distribution of such taxes and assessments; and all allowances heretofore made by any board of county commissioners for service for attorneys in collecting taxes, as provided in original section 1104 Revised Statutes, are hereby authorized and approved. Provided, that when any such county treasurer shall refuse or neglect to enforce a lien for such taxes and assessments, or either, and penalty due thereon, by civil action as hereinbefore provided when requested so to do by the auditor of state, the auditor of state may direct the prosecuting attorney of the county to enforce such lien in a civil action in the name of the state of Ohio; and said suit shall be brought and prosecuted the same as hereinbefore provided, and for his services such prosecuting attorney shall be allowed by the county commissioners of such county, payable out of the treasury of such county, such reasonable sum as they may deem just and equitable for his services.

How, when treasurer fails to enforce lien for taxes.

SECTION 2. That said section 1104 of the Revised Statutes of Ohio, as the same was amended May 14, 1896, Ohio laws, volume 83, page 156, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage, and shall apply to all existing causes of action and pending actions.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 82G

[House Bill No. 624.]

AN ACT

To amend section 4637-9 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4637-9 of the Revised Statutes of Ohio be amended so as to read as follows:

County roads:

Sec. 4637-9. The assessment so made shall be certified by the commissioners to the auditor of the county, who shall place the same on the tax list against such taxable property, which shall thereupon become a lien upon such property, and the same shall be collected as other taxes, in not to exceed ten annual installments. Said commissioners may, after the amount of one installment has been paid, in anticipation of the collection of the balance of such assessment,

Collection of assessments.

Commissioners may borrow money in anticipation of tax collection.

borrow a sum of money sufficient to pay the balance of whole of the estimated cost and expense of the impro ment, and shall have authority to issue and sell negotia notes or bonds bearing a rate of interest not to exceed per cent. per annum. In which event said commission shall cause the damages to be paid at once, also the provement to be made at once, and may add interest at rate of not to exceed five per cent. per annum to all unp installments and collect the same together with the ass ment.

Repeals.

SECTION 2. That said original section 4637-9 be the same is hereby repealed.

SECTION 3. This act shall take effect and be in fo from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President pro tem. of the Sen

Passed April 4, 1902. 83G

[House Bill No. 334.]

AN ACT

To prevent fraud in the purchase, disposition or sale of merchand

Be it enacted by the General Assembly of the State of Oh

When disposition of entire stock of merchandise in bulk is fraudulent and void.

SECTION 1. A sale, or other disposition of an en stock of merchandise in bulk, or any portion of a stock merchandise, otherwise than in the ordinary course of tra and in the regular and usual prosecution of the seller's b iness, shall be fraudulent and void as against the credit of the seller unless the seller at least six days before s a sale, or other disposition shall:

First. Deliver to the purchaser a full and correct st ment of the names and places of residence, or places business of each of his creditors.

Second. The amount due each.

Third. Also deliver to the purchaser true and c rect books, or original invoices from which the cost price the merchandise sold can be ascertained.

Fourth. And also unless the seller and the purcha together, at least six days before the sale, or other dis sition make a full detailed inventory, showing the quan and the cost price to the seller of each article to be inclu in the sale, or other disposition.

Fifth. And unless such list of creditors, books, voices and inventory be retained by the purchaser for least six months after the sale, or other disposition, and exhibited on demand to each creditor of said seller.

Sixth. And unless the purchaser shall at least days before the sale, or other disposition, in good fa

give notice of such proposed sale, or other disposition and said cost price of the merchandise proposed to be sold, or otherwise disposed of, and the price to be paid therefor by the purchaser to each of the seller's creditors of whom the purchaser obtains the knowledge by the list aforesaid, or can, by the exercise of reasonable diligence gain knowledge—such notice to be given either personally or by registered letter, properly stamped, directed and mailed.

Penalty for noncompliance by vendor with section one of this act.

SECTION 2. The failure by the seller to furnish the list of names and addresses of his creditors, and the amounts due each, as provided in section one of this act, or the furnishing of an untrue list, or the failure of the seller to furnish books, or original invoices from which the true cost to the seller of the articles to be sold, or otherwise disposed of, can be correctly ascertained as provided in section one of this act, or the furnishing untrue books or invoices shall if any creditor or person has been defrauded or wronged by such sale, neglect or omission, be a misdemeanor, punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, and imprisonment in the county jail for not less than one month, nor more than six months.

Penalty against buyer for such noncompliance.

SECTION 3. The failure of a person who receives a sale, or other disposition of an entire stock of merchandise in bulk, or of any portion of a stock of merchandise, otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the seller's business to require from the person who makes such sale, or other disposition, a statement, books and invoices, required by section one of this act, or in conjunction with the other party to the transaction, make the inventory required by said section, or to retain the list of creditors, books, and invoices and inventory as required by said section, or to exhibit them on demand as required by said section, or to make the inquiry, or to give the notice required by said section, shall if any creditor or person has been defrauded or wronged by such sale, neglect or omission, be a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, and imprisonment in the county jail for not less than one month, nor more than six months.

Rules of evidence.

SECTION 4. Except as provided in the preceding sections, nothing contained in this act shall change or affect the present rules of evidence, or the present presumptions of law.

SECTION 5. This act shall take effect and be in force from and after the date of its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 84G

[Senate Bill No. 12.]

AN ACT

To amend section 3821*b* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Safe deposit and trust companies:

SECTION 1. That section 3821*b* of the Revised Sta utes of Ohio be amended so as to read as follows:

Account of moneys, etc., received in trust shall be kept separate.

Sec. 3821*b*. All money or property held in trust sh constitute a deposit in the trust department, and the a counts thereof shall be kept separate, and such funds a the investment or loans of them shall be especially appr priated to the security and payment of all such deposi and not be subject to any other liabilities of the compar and for the purpose of securing the observance of this pr viso, such companies shall have a trust department in whi all business pertaining to such trust property shall be ke separate and distinct from its general business.

Such company must maintain a reserve equal to fifteen per cent. of deposits.

Such company shall at all times have on hand in la ful money of the United States as a reserve, an amount equ to fifteen percentum of all deposits, payable on demand within ten days; and when said reserve shall be below su percentum of such deposits, said company shall not ma new loans, nor make any dividends of its profits until t required proportion between the aggregate amount of deposits and its reserve shall be restored; provided, th clearing house certificates representing specie or lawf money specially deposited in the vault of such safe depo company, or the United States subtreasury for the purpo of any clearing house association of which said company m be a member, may be recorded as a part not exceeding on third of said reserve; provided further, that one other thi of said fifteen percentum shall consist of bonds of the Unit States or this state, the absolute property of said compar and the remaining third of said fifteen percentum in lawf money of the United States.

Such company may be appointed trustee under will or deed of trust.

Any such company may be appointed trustees und any will or instrument creating a trust for the care a management of property, under the same circumstances. the same manner, and subject to the same control by t court having jurisdiction of the same, as in the case of legally qualified person.

Capital stock shall be held as security for faithful discharge of duties undertaken under this act.

The capital stock of said company, with the liabilit of the stockholders existing thereunder, shall be held security for the faithful discharge of the duties undertak by virtue of this act, and surety shall be required upon t bonds filed by such company the same as in other cases.

In all proceedings in the probate court, or elsewhe connected with any authority exercised under this act, accounts, returns and other papers may be signed and swo to in behalf of such company by any officer thereof du

authorized by it; and the answers and examination under oath, of such officer, shall be received as the answers and examination of the company, and the court may order and compel any and all officers of such company to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry, instead of such company; provided, however, that such company shall not be required to receive or hold any property or moneys, or to execute any trust contrary to its own desire.

Money held in trust to be invested in trust fund of company.

In the management of money and property held by it as trustee, under the powers conferred in the foregoing section, said companies shall invest the same in a general trust fund of the company; provided, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in a general trust fund of the company; and provided, also, that said company shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act. No money, property or securities received or held by such company under the provisions of this act establishing a trust department, shall be mingled with the investments of the capital stock or other moneys or property belonging to said company, or be liable for debts or obligations thereof. The stockholders of such company shall be held individually liable for all contracts, debts and engagements of such company, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The trustees of all companies organized under this act shall, within six months after the incorporation of such company, notify the auditor of state of the date of the organization thereof, and shall, within ten days after the annual meeting thereof in each year, make, under oath, a complete statement of the condition of said company, in which they shall specify the different kinds of its liabilities, and the different kinds of its assets, stating the amount of each kind, which statement shall be filed with the auditor of state, and published in his annual report; and said auditor of state shall have the right and the power at any time, through an expert appointed by him, to make a full examination of the affairs and condition of every such company. The trustees shall also cause said statement to be published in a newspaper of general circulation in the county in which the principal office of such company shall be located.

Money held in trust shall not be mingled with other funds, or be liable for debts of company.

Liability of stockholders.

Trustees to notify auditor of state of organization of company and make statement.

Auditor of state may appoint expert to examine affairs of such companies.

The trustees shall have power by their by-laws, as often as they may deem proper, to make and declare dividends of the profits of said company after paying its expenses and reserving and setting aside the reserve as hereinbefore required, and such other amount as they deem advisable wherewith to meet any contingency in its business. The dividends authorized herein shall be payable to the shareholders within twenty days from and after the time the same are so declared. No company organized under

Dividends and how paid.

Increase of capital stock.

this act shall commence business until all of its authorized capital shall have been paid up in cash. Any safe deposit and trust company may increase its capital stock as provided in sections 3262 and 3263 of the Revised Statutes, and in case of such increase, either by preferred or common stock, the board of directors of such company may sell such increase, or additional stock, to such person or persons, at such price, not less than par, as they deem best, and to the interests of such company.

Assignment and transfer of stock.

The stockholders of such company shall have power to provide and determine, as they may see fit, the conditions upon which the shares of stock of said company shall be assignable and transferable, and said shares of stock of said company shall be assignable and transferable according to such rules and regulations and upon such conditions as the stockholders shall for that purpose make and establish, and not otherwise.

Repeals, etc.

SECTION 2. That said original section 3821*b* be and is hereby repealed and that this act shall take effect, and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 85G

[House Bill No. 234.]

AN ACT

To amend section 6824 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Crimes against the person:

SECTION 1. That section 6824 of the Revised Statutes of Ohio be amended so as to read as follows:

Kidnaping.

Sec. 6824. Whoever kidnaps, or forcibly or fraudulently carries off, detains or decoys any person; or arrests or imprisons any person with the intention of having such person carried out of this state, unless it be in pursuance of the laws thereof; or shall take or cause to be taken, or shall entice any female person under the age of eighteen years away from her father, mother, guardian or any other person having the lawful custody, care or charge of such female person, or from her home, habitation or place of employment for the purpose and with the intention of inducing into or placing such female person in a house of ill fame or a house kept for the purpose of prostitution, or whoever shall harbor such female person in a house of ill fame or a house kept for the purpose of prostitution, knowing her to have been so taken or enticed away,

Enticing female to house of prostitution.

Harboring female in such house.

shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 86G

[Senate Bill No. 35.]

AN ACT

To amend section 3467*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3467*a* of the Revised Statutes be and the same is hereby amended so as to read as follows:

Magnetic telegraph companies.

Penalty for unlawfully interfering, etc., with telegraph or telephonic messages.

Sec. 3467*a*. Whoever shall wilfully and maliciously cut, break, tap, or make any connection with, or read, or copy by the use of telegraph or telephone instruments or otherwise in any unauthorized manner, any telegraphic message or communication from any telegraph or telephone line, wire or cable, so unlawfully cut or tapped in this state, or make unauthorized use of the same, or who shall wilfully and maliciously prevent, obstruct, or delay, by any means or contrivance whatsoever the sending, conveyance, or delivery, in this state, of any unauthorized telegraphic message or communication by or through any telegraph or telephone line, cable or wire under the control of any telegraph or telephone company doing business in this state; or who shall wilfully or maliciously injure or destroy or intentionally permit to be injured or destroyed, or disconnect, displace, cut, break, tap, ground or make any connection with or in any way wilfully and maliciously interfere with any of the poles, cable or wires legally erected, put or strung, electrical apparatus, appliance or machinery of any kind, used in the construction of or in the operating of any electrical street railway, or electric light plant, or plant used in the producing or generating electric power in this state; or who shall wilfully or maliciously injure or destroy or intentionally permit to be injured or destroyed any meter, pipe, conduit, wire, line, post, lamp, burner, heater, machine, motor or other appliance or apparatus whatsoever belonging to a company engaged in the manufacture or sale of electricity for light, heat, power or other purposes, or who shall wilfully or maliciously prevent by any means or device whatsoever, any electric meter belonging to any corporation furnishing electric current for light, heat, power or other purposes from duly registering the quantity of electricity supplied by said company or in any way interferes with the

Penalty for unlawfully interfering, etc., with electric light, power or street railway property.

Penalty for unlawfully diverting electric current.

proper action or just registration by said meter in regi
ing the quantity of electricty passing through said mete
alter the index in such meter or, without the consent of
company, wilfully or maliciously divert any electric cur
from any wire of such company, or otherwise wilfull
maliciously uses or causes to be used without the conse
such company any electricity manufactured or distribute
such company; or whoever, being a customer of said ele
light company and having in his possession or under
control, a meter belonging to said company, wilfully
mits any other person, unlawfully and without consen
said company, to disconnect, change, alter or interfere
the wires running into said meter, so as to divert the
tric current and prevent said meter from duly registe
the quantity of electricty supplied by said company; or
shall wilfully or maliciously aid, agree with, emplo
conspire with any other person or persons to do any of
aforementioned unlawful acts shall be deemed guilty
felony and shall be punishable by a fine of not more
$1,000 nor less than $50 or by an imprisonment in the p
tentiary for a period of not less than one year nor m
than three years, or by both fine and imprisonment wi
the limits hereinbefore specified, at the discretion of
court. Prosecutions under this act shall be by indictm
in any court having criminal jurisdiction.

Repeals, etc.

SECTION 2. That said section 3467*a* of the Rev
Statutes of Ohio be and the same is hereby repealed,
this act shall take effect and be in force from and afte
passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President pro tem. of the Se

Passed April 4, 1902. 87G

[Senate Bill No. 60.]

AN ACT

To promote the efficiency of the Ohio national guard, and to a
sections 3078, 3080 and 3085 of the Revised Statutes.

Be it enacted by the General Assembly of the State of O

Militia and military affairs:

SECTION 1. That section 3078, section 3080
amended April 16, 1900), and section 3085, Revised S
utes, are hereby amended so as to read as follows:

Time, place and duration of encampment.

(Sec. 3078). The national guard shall encamp
less than eight or more than fourteen days in each year,
the commander in chief shall prescribe a time between
first and November first of each year for, and the p
and manner of, assembling the troops for that purpos

(Sec. 3080). Upon the approval of the adjutant general, there shall be allowed, annually, for the care of state property and other incidental expenses, to the headquarters of the division and of each brigade, the sum of three hundred dollars, to the headquarters of each regiment and unattached battalion a sum equal to sixty dollars for each company comprising the command, and to the band of each regiment and unattached battalion, and to each company of infantry, engineers, signal company, naval brigade and troop of cavalry, the sum of one hundred dollars; and to each battery of artillery, the sum of fifty dollars for each gun; these sums to be paid to the commanding officer of each organization, who shall account for these funds in such manner as may be directed by the commander in chief, provided that when the sum appropriated for such purpose is not sufficient for the full allowance of said amounts to each of such organizations, the adjutant general shall apportion the amount appropriated pro rata to the several organizations in the state, and provided, further, that no part of said money shall be paid to any organization until all the returns and reports required by law and orders shall have been filed with the adjutant general. Yearly payment to organizations.

(Sec. 3085). The state, acting through the adjutant general and the commanding officers of the different military organizations of the state, shall provide for each organization a suitable armory for the purpose of drill, and for the safe-keeping of the arms, equipment, uniforms and other military property furnished by the state, which armory shall be inspected and approved by an officer detailed by the commander in chief, whose report shall be filed in the office of the adjutant general, and that the sum of one hundred dollars per year shall be paid to the commanding generals of the division and each brigade, and the sum of three hundred dollars per year shall be paid to the commanding officer of each regiment, unattached battalion, company, battery, troop and regimental or unattached battalion band, to pay the necessary rental and expenses of such armory each year, but before these sums are paid, such officer shall execute a bond to the state of Ohio, in double the amount thereof, conditional for the proper expenditure of the amount, and to account for any unexpended balance on hand, and the sum of five hundred dollars shall be paid to the adjutant general each year, to pay for the expenses of inspecting such armories, and for seeing to the proper securing, distribution and expenditure of such funds, which sums shall be provided for by general appropriation, provided that no part of said money shall be paid to any organization until all the returns and reports required by law and orders shall have been filed with the adjutant general. Armories.

SECTION 2. That section 3078, section 3080 (as amended April 16, 1900), and section 3085, Revised Stat- Repeals, etc.

utes, are hereby repealed, and this act shall take effect a
be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representativ
F. B. ARCHER,
President pro tem. of the Sena
Passed April 4, 1902. 88G

[House Bill No. 523.]

AN ACT

To abolish township road supervisor districts and create the offi
of township road district trustee, to require the letting
certain portions of road work by contract, and to require
special township road tax to be paid in cash to the coun
treasurer, in certain counties, and to abolish the two da
labor on public highways in such counties.

Be it enacted by the General Assembly of the State of Ohi

Township road district trustees in Hamilton and Cuyahoga counties.

SECTION 1. That in any county containing a city
the first class and of the first and second grade, the tru
tees of the several townships in said county shall divide su
township into three road districts. Said trustee, in sa
district where he resides shall have charge and be under h
control as a road district during his term of office, unle
otherwise agreed between said township trustees.

Road tax.

And the said township trustees shall be authorized
levy annually such road tax as they may deem necessary
keep in repair and improve the public road and highwa
in any respective township, not to exceed three mills on t
dollar in any one year. All of the said tax is to be plac
on the duplicate of the county by the county auditor, a
the same shall be collected as other taxes are collected
the December installment by the county treasurer, and pa
over by him to the treasurer of the township from whi
such taxes were collected; and no work or labor on sa
roads and highways shall be accepted in lieu of any pa
of said tax.

How fund expended.

The fund arising from such levy shall be expended
the township trustees for labor and material necessary
improving and repairing the public roads of the townshi
provided, that when a township shall include one or mo
incorporated towns or villages, such special road tax le
by the township trustees shall not apply to or be assess
or collected from the property included within the limi
of such incorporations; but the council of said town
village may exercise the right conferred upon the townsh
trustees to make such levy if they deem the same necessar

Duties of said township road trustees.

SECTION 2. The duties of said township road trust
shall be as follows: To open or cause to be opened all pu
lic roads and highways which are or shall be laid out and e
tablished in his township, and to maintain the proper leg

width and location of the same, to keep the same in good repair and make from time to time such permanent improvements by grading, draining, graveling or macadamizing as the township trustees shall order; to remove from the road and public highways, or cause to be removed forthwith all obstructions that may be found thereon, to keep in good repair and condition all bridges and culverts that come within the jurisdiction of the township trustees and to promptly report to the trustees any necessity for repairs or improvements over which the county commissioners have jurisdiction, and to have completed within a reasonable time after having been commenced all repairs and improvements, in a smooth and workmanlike manner, and in good condition for all kinds of public travel.

Destruction of brush, briers, weeds, etc., on highways.

Such township road district trustee shall, between the 15th and 30th day of June, between the 1st and 15th days of August and between the 15th and 30th day of September of each year, cut all brush, briars, Canada or common thistles and other noxious weeds, growing within the limits of any county or township road, street or alley, within his jurisdiction, and shall employ all necessary labor to do such work, at the rate of not to exceed one dollar and fifty cents per day, to be allowed by the trustees and paid by the treasurer out of the road fund. Said road district trustee may allow any land owner or tenant to cut and destroy any such brush, briars or weeds growing on such highway along the lands abutting on such highway owned and occupied by such land owner or tenant, and before such work is performed fix a reasonable compensation therefor, which amount shall be allowed by the township trustees, on being endorsed by said road district trustee, and paid by the township treasurer out of the road fund.

Enforcement of law as to width of vehicle tires.

It shall be the duty of said road district trustee to enforce the laws of the state in reference to the width of vehicle tires and to prosecute any person found violating the provisions of the statutes relating thereto.

Reports to township trustees.

It shall be the duty of said road trustee to report to the township trustees monthly, in detail, on blanks furnished for that purpose by the trustees, as to work done under his direction during the preceding month, to report progress of improvements under construction, to recommend any repairs or improvements which he may deem necessary, and to furnish to the trustees in writing his approximate estimate of the cost of each improvement recommended by him and the amount of material required.

Contracts for repairing and improving roads.

Said road district trustee shall let by written contract, under written specifications, such portions of the public road for ordinary repairs, or for grading, draining, gravelling or for macadamizing, as the trustees shall direct; and as road district trustee, on behalf of the township, shall enter into a written contract with the contractor, which contract shall not be valid and binding until an indorsement of approval is made in writing upon such contract by not less than two

of the township trustees; provided, however, that bef
letting any contract for any job, for repairing or improv
public roads or highways, the estimated cost of which
the judgment of the township trustees exceeds fifty dolla
said road district trustee shall make a careful estimate
the cost and shall prepare, or cause to be prepared, pl
and specifications for the work, which estimates, plans a
specifications must be approved by at least two of the to
ship trustees, placed on file open to the public exami
tion at such a place as shall be designated as the office

Advertisement for bids.

the township road district trustee. Such road district tr
tee shall thereupon advertise for not less than ten days
bids for said work, by posting an advertisement therefor
conspicuous posting boards which shall be erected by
township trustees at each of the usual voting places in
township. Said work shall be let to the lowest responsi
bidder, who shall enter into a contract, embracing the pl
and specifications for such work, said road district trus

Contractors' bonds.

signing such contract on behalf of the township; said c
tractor also entering into a bond payable to the state,
trust for the township, in such sums as the township tr
tees shall direct, with sufficient securities, conditioned
the faithful performance of said contract, which contr
shall not be valid and binding until at least two of the to
ship trustees shall have endorsed their approval of b
bond and contract on the back thereof.

Supervision over contracts.

Said road district trustee shall have charge and sup
vision of all contracts let under the provisions of this s
tion, and said contractor shall conform to and comply w
all orders of said road district trustee within the terms
his contract, and work shall not be accepted by the trust
or paid for in full until the same shall be approved by s
road district trustee.

Approval of bills.

All bills for labor done on the public roads and hi
ways, which are not the subject of written contract, w
done by order of and under the supervision of said r
district trustee, before being received by the township tr
tees, for payment, shall first be approved by indorsem
in writing thereon by said road district trustee.

Tools and implements.

Said road district trustee shall have charge of all to
ship tools and implements used in the making, repair
and improving of public roads and highways, and shall
held responsible for the proper use of the same, and sh
take charge of them and preserve them when not in us

Salary.

SECTION 3. Each of such township road district tr
tees shall receive a salary, to be fixed by the township tr
tees of his respective township before his appointment;
however, to exceed the sum of two hundred and fifty dol
per year. Such salary shall be paid out of said special r
tax fund of the township.

Shall not be pecuniarily interested in any contract; penalty.

SECTION 4. It shall be unlawful for any township tr
tees to be personally or pecuniarily interested, directly
indirectly, in any of the contract work or other work

vided for in this act, and any such trustee found guilty of violating the provisions of this section shall be fined in any sum not exceeding five hundred dollars or imprisoned in the county jail for not more than six months, or both.

Abolishment of office of township road supervisor and township supervisor road districts.

SECTION 5. That in any such county the office of township road supervisor and township supervisor road districts are hereby abolished. The road district trustee, as provided for in this act, is invested with all the power and privileges as conferred by law on supervisors, not in conflict with this act.

Partial repeal of certain laws.

SECTION 6. That in any such county the provisions of this act shall be in lieu of sections 2629, 4730 and 4889 of the Revised Statutes of Ohio, and the same are declared inoperative in any such county, and other acts or parts of acts which are inconsistent with or in conflict with this act are hereby superseded in any such county, and all other acts, laws or statutes, or parts thereof not excepted herein, are in as full force in any such county as though this act had not been passed.

Partial repeals.

SECTION 7. That sections 2664-4, 2664-5, 2664-6, 2664-7, 2664-8, 2664-9, 2664-10, 2664-11, 2664-12, 2664-13, and 2664-14, of the Revised Statutes of Ohio in so far as the same shall apply to counties herein described be and the same are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 89G

[Senate Bill No. 4.]

AN ACT

To establish an Ohio state board of uniform state laws for the promotion of uniformity of legislation in the United States.

Be it enacted by the General Assembly of the State of Ohio:

Ohio state board of uniform state laws.

SECTION 1. That Title III of Part 1 of the Revised Statutes of Ohio be supplemented with an additional chapter to be known as Chapter 25 of Title III, Part 1 of the Revised Statutes of Ohio, with the following sectional numbers:

CHAPTER 25.

Uniform State Laws — Ohio State Board of.

Sec. (409-59). Appointment; organization; terms; vacancies; place of meetings; removals;
Sec. (409-60) Duties of the board;
Sec. (409-61) Report of the board;

Sec. (409-62) Expenses of board and members;

Sec. (409-63) Appropriations;

Appointment. Sec. (409-59) (Appointment; organization; terms; vacancies; place of meetings; removals.) The governor shall within thirty (30) days after the passage of this act, appoint three (3) suitable persons, electors of the state of Ohio, who are hereby constituted a board of commissioners by the name and style of "Ohio state board of uniform state laws." They shall hold their offices for the terms of three (3) years, and of the commissioners first appointed, the governor shall designate one to hold office for one (1) year, one to hold office for two (2) years and one to hold office for a term of three (3) years, and thereafter said commissioners shall be appointed to hold office for a term of three (3) years, and each commissioner shall, before entering upon his duties, take an oath of office. The said commissioners shall meet and organize within thirty (30) days after said board shall have been appointed; and shall reorganize each year thereafter, and shall select one of their number as president, and another as secretary and said officers shall hold office for a term of one year and until their successors are elected and qualified. Any vacancies in the office of said commissioners by resignattion or otherwise shall be filled for the balance of the unexpired term by appointment of a suitable person by the governor. The board shall meet at least once a year at the office of the attorney general at Columbus. The governor may remove, for cause, any or all of said commissioners.

Terms.

Organization.

Vacancies.

Meetings.

Removals.

Duties of board. Sec. (409-60.) (Duties of the board.) It shall be the duty of said board, to collect and digest data as to the prevailing law in the United States and other countries upon the special subjects where uniformity is important, with a view to ascertain the best means to effect uniformity in the laws of the various states of the United States, upon such subjects, especially upon the following subjects, to-wit:

(1) Conveyances — form and execution;
(2) Commercial law, including;
  (a) Bills of lading;
  (b) Corporations — private;
  (c) Holidays;
  (d) Insurance — fire and life;
  (e) Negotiable instruments;
  (f) Partnerships;
  (g) Trade-marks;
  (h) Unfair competition;
  (i) Warehouse receipts;
(3) Pure food laws;
(4) Insolvency;
(5) Labor; uniform hours of,
(6) Marriage and divorce;
(7) Notarial certificates;
(8) Wills — execution and probate;

l commissioners are empowered to attend on be-
he state of Ohio, the annual and other conferences
commissioners for the promotion of uniformity of
on in the United States;

(409-61) (Report of board.) The said board of
ioners shall keep a record of its proceedings and
by it collected and digested and shall, not later than
30) days before each regular session of the general
of Ohio and at such other times as they may think
e governor may require, make a report of its pro-
and transactions and of its recommendations, to
rnor, to be by him transmitted to the general as-

Report of board.

(409-62) (Expenses of board; and of members.)
ber of said board shall receive any compensation
services. Each member shall be reimbursed out
unds hereinafter provided, upon the certificate of
dent of the board, the amount of his actual traveling
r necessary expenses incurred in the discharge of
al duties; but such expenses shall not exceed, for
mber, in any one year, the sum of seventy-five
dollars. The said board is hereby authorized, as
to expend not to exceed, in any one year, the sum
undred and seventy-five ($275.00) dollars, for an
secretary, clerical assistance, postage, stationery,
and incidentals, the accounts for which shall have
ited by the said board. Said board shall keep full
rate accounts of its expenditures.

Compensation and expenses.

(409-63.) (Appropriations.) To carry out the
ns of this act, a sum not exceeding five hundred
) dollars per year may be expended, and the same
appropriated out of any moneys to the credit of the
revenue fund, and the money herein appropriated
drawn by requisition upon the auditor of state ap-
y the president of the board.

Appropriations.

TION 2. This act shall take effect and be in force
l after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

ed April 4, 1902. 90G

[Senate Bill No. 74.]

AN ACT

section 2100*a* of the Revised Statutes of Ohio, as passed
3, 1889 (86 O. L., 201), relating to the parole of prisoners
rkhouses.

cted by the General Assembly of the State of Ohio:

TION 1. That section 2100*a* of the Revised Stat-
Ohio, as passed April 3, 1889, be amended so as to
ollows:

Workhouses:

Parole of prisoners in workhouse.

Sec 2100a. The board of directors of any workhou in this state, or other board or official vested by statute wi like authority, shall have power to establish rules and reg lations under which and specify the conditions on which a prisoner may be allowed to go upon parole outside of t buildings and enclosures, but to remain, while on paro in the legal custody and under control of such board official, and subject at any time to be taken back within t enclosure of said institution; and full power to enforce su rules and regulations, and condition, and to retake and r imprison any convict so upon parole, is hereby conferr upon said board or official, whose written order, certified b its or his secretary, shall be a sufficient warrant for all office named therein to authorize such officer to return to actu custody any conditionally released or paroled prisoner; ar it is hereby made the duty of all officers to execute sa order the same as ordinary criminal process; and said boar or official may employ or authorize any person or perso to see that the conditions of said paroles are not violate and in case of such violation to return any such prisone so violating said parole to said workhouse, and the tim between the violation of the conditions of such parole c constitutional release (by whatever name), as entered b order of such board or official on the records of the work house, and the reimprisonment or return of such prisone shall not be counted as any part or portion of time serve under any sentence; and any prisoner at large upon suc parole who fails to return to the actual custody of said work house as may be specified as one of the conditions of hi parole, or commits a fresh crime and is convicted thereo shall be, on the order of said board or official, treated as a escaped prisoner and subject to the penalties named in sec tion two thousand one hundred and three (2103) of th Revised Statutes.

Repeals, etc.

SECTION 2. That said original section 2100a, as passe April 3, 1889, be and the same is hereby repealed. Thi act shall take effect and be in force from and after its pass age.

W. S. McKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President pro tem. of the Senate

Passed April 4, 1902. 91G

[Senate Bill No. 78.]

AN ACT

To amend section 2837 of the Revised Statutes, relative to author izing bond issues by voters of township or municipal cor porations.

Be it enacted by the General Assembly of the State of Ohio

Levying taxes:

SECTION 1. That section 2837 of the Revised Statute be so amended as to read as follows:

37. Before any bonds are issued or tax levied, in the next two preceding sections, the ques- ng the bonds shall be submitted to the voters of p or municipal corporation at a general or special nd whenever the trustees of any township or ne council of any municipal corporation shall by leclare it necessary to issue and sell the bonds nship, hamlet or municipal corporation, as the e, for any or either of the purposes mentioned 835 of the Revised Statutes in any amount speci- resolution and shall by such resolution fix a which the question of issuing and selling such be submitted to the electors of such township, unicipality, and shall cause a copy of such reso- certified to the deputy state supervisors of the hich such township, hamlet or municipal corpo- uated, or board of election in such cities as have . (and) such deputy state supervisors, or such lection, shall within ten days thereafter proceed he ballots and make all other necessary arrange- he submission of such question to the electors township, hamlet or municipal corporation at ed in said resolution. Such election shall be egular places of voting in such township, hamlet lity and shall be conducted, canvassed and cer- same manner except as otherwise provided by elections in such township, hamlet or municipal for the election of officers thereof; provided, at when a special election for such purposes is unicipal corporation divided into wards there one voting place in each ward which shall be by the deputy state supervisors of election or ing a board of elections by such board, and the after provided for shall designate the voting h ward. In all cities in which registration is rtificates of removal shall not be necessary ex- ransfers are required from one ward to another, rd of elections of all such cities shall issue all al certificates. Fifteen days' notice of the sub- ll be given in one or more newspapers printed a week for two consecutive weeks, stating the bonds to be issued, the purpose for which they sued, and the time of holding the election; and aper is printed therein the notice shall be posted uous place and published once a week for two weeks in some newspaper of general circu- e township or municipal corporation; and if of the voters voting at such election upon the issuing bonds, vote in favor thereof, then herwise the bonds shall be issued and the tax ose who vote in favor of the proposition shall n or printed on their ballots "For the issue of l those who vote against the same shall have writ- ed on their ballots the words, "Against the issue

Township and municipal bonds; submission of question of issue of to voters.

Two-thirds majority necessary for bond issue.

Sewer bonds; majority of votes only, necessary for issue.

of bonds;" provided, however, that when in any mu ipality, the question of issuing the bonds for the purpos constructing sewers or a system of sewerage, shall be s mitted to the voters of such municipal corporation at such election, if a majority of the voters voting at s election upon the question of issuing the bonds for s purpose vote in favor thereof, then and not otherwise, bonds shall be issued and the tax levied therefor by council.

Repeals, etc.

SECTION 2. Said original section 2837 of the Revi Statutes is hereby repealed and this act shall take effect be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President pro tem. of the Sen

Passed April 4, 1902. 92G

[House Bill No. 370.]

AN ACT

To make an appropriation to pay the principal and interest of public funded debt and interest on the irreducible debt expenses of the sinking fund commission.

Be it enacted by the General Assembly of the State of Oh

Appropriation to pay principal and interest on public debt.

SECTION 1. That there be and is hereby appropria from any money that may be in the state treasury or t may come into the state treasury, belonging to the sink fund, the following sums for the purposes herein nam For the payment of the principal of the funded debt July 1, 1902, and July 1, 1903, four hundred and fifty th sand ($450,000) dollars; for payment of interest on fun debt, twelve thousand seven hundred and fifty ($12,7 dollars; or so much thereof as may be necessary to pay interest falling due July 1, 1902, and January 1, 1903, July 1, 1903; for interest on irreducible debt of the st which constitutes the school, ministerial, indemnity fu Ohio university and Ohio state university, five hundred seventy-five thousand ($575,000) dollars; for the expe of commissioners in paying loan and interest due July 1902, and January 1, 1903, and July 1, 1903, one thous ($1,000) dollars; for payment of the office expenses of commissioners of the sinking fund, including salary of cl fifteen hundred ($1,500.00) dollars.

SECTION 2. This act shall take effect and be in fo from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President pro tem. of the Sen

Passed April 4, 1902. 93G

[House Bill No. 306.]

AN ACT

l section 1407-1 of the Revised Statutes of Ohio.

d by the General Assembly of the State of Ohio:

N 1. That section 1407-1 of the Revised Stat- Gallia county:
o, be so amended as to read as follows:

407-1. The present lessees, sublessees, or own- Surrender of leases for parts of section 29.
chase, descent or otherwise, of interests in or
r the permanent leases of section (29) in town-
and five, in range (14) and township three, in
, of the Ohio company's purchase in Gallia
surrender the same for the part of said section,
by them respectively, to the auditor of Gallia
purchase in fee simple, such part of said section Purchase of such parts and deeds for same.
nt appraised value; that upon the payment to
of the present appraised value of the part of
so purchased, he shall certify such payment
ription of said land and name of purchaser, to
of state, whereupon, the governor of state shall
d to such purchaser for the part of said section
rchased by him, which deed shall vest a fee sim-
said land in the grantee, therein named.

N 2. The proceeds of the sales of said part of Disposition of proceeds of such sale.
), under this act shall belong to the permanent
fund, of the said townships, where said land is
as now provided by law as to the proceeds of
ts of said section previously sold.

N 3. That section 1407-1 of the Revised Stat- Repeals, etc.
o be and the same is hereby repealed; and this
ke effect and be in force from and after its

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.
April 4, 1902. 94G

[House Bill No. 413.]

AN ACT

d section 1599 of the Revised Statutes of Ohio.

d by the General Assembly of the State of Ohio:

N 1. That section 1599 of the Revised Statutes Annexation:
amended so as to read as follows:

99. When the inhabitants generally of any mu- Annexation of territory.
oration desire to enlarge its corporate limits by
ion of contiguous territory, it shall be done in

Toledo.

the manner hereinafter specified, provided however, that no proceedings shall be had to annex any village, hamlet or territory lying contiguous and adjoining any city of the third grade of the first class, unless the majority of all the owners of real estate residing in such village, hamlet or territory sought to be annexed shall petition therefor, and which petition shall be filed with the clerk of such city.

SECTION 2. That section 1599 of the Revised Statutes be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 95G

[House Bill No. 31.]

AN ACT

To make employers of workmen liable in damages for injuries caused by negligence in the inspection and repair of machinery, etc.

Be it enacted by the General Assembly of the State of Ohio:

Employers' liability for personal injury to employe notwithstanding negligence of fellow servant.

SECTION 1. An employer shall be responsible in damages for personal injury caused to an employe, who is himself in the exercise of due care and diligence at the time, by reason of any defect in the condition of the machinery or appliances connected with or used in the business of the employer, which arose from, or had not been discovered or remedied owing to the negligence of the employer, or of any person in the service of the employer, entrusted by him with the duty of inspection, repair, or of seeing that the machinery or appliances were in proper condition.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 96G

[House Bill No. 327.]

AN ACT

l and supplement section 4007 and to amend sections 4009, 009-1, and 4009-2 of the Revised Statutes of Ohio.

acted by the General Assembly of the State of Ohio:

TION 1. That section 4007 be amended and sup- ed, and sections 4009, 4009-1 and 4009-2 of the Re- atutes of Ohio be amended so as to read as follows:

Schools and attendance enforced:

. 4007. Each board of education shall establish ent number of elementary schools to provide for the ication of the youth of school age within the dis- der its control, at such places as will be most con- for the attendance of the largest number of such nd shall continue each and every elementary day o established not less than twenty-four nor more ty weeks in each school year; and each township education shall establish and maintain at least one ry school in each subdistrict under its control, un- r provision is made by the board, as authorized by

Sufficient elementary schools must be provided.

. 4007-1. An elementary school is hereby defined as l in which instruction and training are given in reading, writing, arithmetic, English grammar and tion, geography, history of the United States in- civil government, and physiology; but nothing herein construed as abridging the power of boards of ed- to cause instruction and training to be given in vocal drawing, and other branches which they may deem e for the best interests of the schools under their

Elementary school defined.

. 4007-2. A high school is hereby defined as a school r grade than an elementary school, in which instruc- training are given in approved courses in the history United States and other countries; composition, English and American literature; algebra and y; natural science, political or mental science, ancient rn foreign languages, or both, commercial and in- branches, or such of the above named branches as th of its curriculum may make possible, and such anches of higher grade than those to be taught in entary schools, and such advanced studies and ad- reviews of the common branches as the board of n may direct.

High school defined.

. 4007-3. A college is hereby defined as a school of grade than a high school, in which instruction in school branches is carried beyond the scope of school and other advanced studies are pursued, ol in which special, technical or professional studies ued, and which may, when legally organized, have t to confer degrees in agreement with the terms of regulating its practices or its charter; or in the want ative direction, in agreement with the practices of

College defined.

the better institutions of learning of their respective kinds in the United States.

High schools classified.

Sec. 4007-4. The high schools of the state of Ohio shall be classified into schools of the first, second, and third grades; and all courses of study offered in such high schools shall be in branches enumerated in section 4007-2 of the Revised Statutes of Ohio. A high school of the first grade shall be a school in which the courses offered shall cover a period of not less than four years, of not less than thirty-two weeks each, in which not less than sixteen courses shall be required for graduation; a high school of the second grade shall cover a period of not less than three years, of not less than thirty-two weeks each, in which not less than twelve courses of study shall be required for graduation; a high school of the third grade shall cover a period of not less than two years, of not less than twenty-eight weeks each, in which not less than eight courses of study shall be required for graduation, and all public schools of a less grade shall be denominated as elementary schools. A course of study shall consist of not less than four recitations a week continued throughout the school year.

First grade.

Second grade.

Third grade.

Diploma to be given to graduate of high school.

Sec. 4007-5. A diploma shall be granted by the board of education to any one completing the curriculum in any high school, which diploma shall state the grade of the high school issuing the said diploma as certified by the state commissioner of common schools, and shall be signed by the president and clerk of the board of education, the superintendent and the principal of the high school, if such there be, and shall bear the date of its issue. A certificate shall also be issued to the holder of each diploma in which shall be stated the grade of the high school, the names and extent of the studies pursued and the length of time given to each said study to be certified to in the same manner as set forth for a diploma. And any holder of a diploma from a high school of the first grade shall be entitled to a certificate of admission without examination to any college of law, medicine, dentistry, or pharmacy in the state of Ohio, when the holder thereof shall have completed such courses in science and language as shall be prescribed by the legally constituted authorities regulating the entrance requirements of said college; except such privately endowed institutions which may require a higher standard for entrance examinations than herein provided. And any holder of a diploma from any grade of high school or of a teacher's certificate from a county or city board of teachers' examiners, when such holder has pursued his studies under private tutorage or in an office, shall be eligible to take the examination for admission to the practice of law or to take the examination prescribed to enter a college of law, medicine, dentistry or pharmacy; except such privately endowed institutions which may require a higher standard for entrance examinations than herein provided.

Certificate as to grade of school.

Admission without examination to professional school.

Exception.

Who eligible to take examination for admission to bar or to enter professional school.

Exception.

Information as to character of high school to be furnished state commissioner of common schools by clerk of board of education.

007-6. It shall be the duty of the clerk of the ducation of each district in which a high school ed and maintained to furnish to the state com- of common schools definite and accurate infor- ncerning the length of time necessary for the of the high school curriculum or curriculums, s of instruction offered therein, and such other n as said commissioner may require in relation h school work of the district, and in the form er he may prescribe. Said information shall be

When

ater than the first day of September, 1902, and hools are hereafter established or any changes he curriculums, such establishment or changes information must be immediately reported as vided and it shall be the duty of the said state ner of common schools, upon examination of the n thus filed, or after personal inspection of work shall deem the same advisable, or both, to de-

Certificate as to grade of school.

e grade of each such high school and to certify, seal of his office, to the clerk of the board of his finding as to the grade of the high school by such board of education. The said com- is also authorized to withhold his approval of ulum, when it shall appear to him that the same comply with the legal and reasonable require- when it shall appear that any curriculum, which y been approved, has been so modified as to e grade of the high school, either by advancing g the grade thereof, he shall certify his finding, plomas issued thereafter shall bear the grade so by him. And after the first day of February,

Penalty for failure to give information required by this section.

chool then maintained shall be considered a high has not furnished the information and received ate as provided above and shall not be entitled vileges and exceptions provided by law for high

Any board of education may establish high school.

009. Any board of education may establish one gh schools, whenever it deems the establishment nool or schools proper or necessary for the con- r progress of the pupils attending the same, or nduct and welfare of the educational interests of , and such school or schools, when so established,

Discontinuance thereof.

e discontinued under three years from the time ablishment thereof, except by a vote of three- all the members of the board of education of , and at a regular meeting.

Township high schools; management and control thereof.

009-1. Whenever a township board of educa- shes and maintains a high school or high schools district under its control, it shall have the man- nd control of such school or schools with full respect to such school or schools to employ and achers, and to give certificates of such employ- for services rendered, directed to the township

Schoolhouses, etc.

clerk. And the township board of education shall build repair, add to and furnish the necessary schoolhouses, pur chase or lease sites therefor, or rent suitable rooms, an make all other necessary provisions relative to such school

Admission of pupils.

as may be deemed proper. Said board of education shal have full power to regulate and control the admission o pupils from the elementary schools under its charge t such high school or high schools, according to age an attainments, and may admit adults over twent-one years o age, and pupils from other districts on such terms an under such rules as it may adopt, and shall maintain suc high school or high schools not less than twenty-eight no more than forty weeks in any school year.

Estimate of funds needed.

Sec. 4009-2. In townships where a high school or hig schools are established, or may be established, by the town ship board of education, the board shall annually determin by estimate, as near as practicable, the entire amount o money necessary to be expended in the township for scho and schoolhouse purposes, including the sustaining o teachers in such high schools, the prolonging of the term of the several elementary schools of the township after th state funds shall have been exhausted, the erecting, re pairing and furnishing of schoolhouses, and any othe school purposes not exceeding in any one year ten mill on the dollar of the taxable property of the township, whic amount shall be certified in writing to the county audito as required by section 3960 of the Revised Statutes of Ohi

Repeals, etc.

SECTION 2. That said original sections 4007, 400 4009-1, and 4009-2 of the Revised Statutes of Ohio ar hereby repealed and this act shall take effect and be i force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representative.
CARL L. NIPPERT,
President of the Senat

Passed April 9, 1902. 97G

[House Bill No. 426.]

AN ACT

To provide for the retention, maintenance and supervision of th canals of Ohio, their water supplies, reservoirs, dams, feed ers and adjacent lands; to encourage the building of cana boats and the extension of cheap transportation.

Be it enacted by the General Assembly of the State of Ohio

Ohio canals; policy of state as to retention and maintenance thereof.

SECTION 1. That it is hereby declared as the settle policy of this state that the Miami and Erie canal, togethe with its water supplies, reservoirs, dams, feeders and ad jacent lands from Cincinnati to Toledo shall be retaine and maintained as a public canal; also that the same polic is hereby declared as to the northern division of the Ohi

ther with its water supplies, reservoirs, dams, adjacent lands from Cleveland to Dresden on gum river.

N 2. That all boats hereafter built for use upon id lines of canal for freight transportation shall by the state at their then true value in money ime in the future, the policy of the state shall by abandonment of either or both of said lines as to make such boats useless for transportation

Canals boats to be purchased by state if canals are abandoned.

N 3. It is hereby declared as the settled policy te that the water supplies, reservoirs, dams, adjacent lands thereto of the southern division canal from Dresden Junction to Lockbourne, Columbus to Portsmouth shall be retained and

That within sixty (60) days after the passage the governor of the state shall appoint a nonmission consisting of two members, who, to- the state engineer, shall constitute a board of ers. The board of commissioners when apll, with the assistance of a stenographer, which authorized to employ to take all necessary tesceed to investigate fully the condition of the vision of the Ohio canal, and all the facts bearue question of its improvement, maintenance, its future usefulness as a canal, together with all ormation bearing upon this subject, and report ogether with recommendations to the next genly, pending which report the same shall be kept avigation.

Governor to appoint board of commissioners to investigate condition of Ohio canal.

Report.

N 4. The said board of commissioners, to- the board of public works, shall within the r investigate all present water rate contracts on es of canal mentioned in section 1, and revise t them upon a fair and equitable basis as to the paid in the future.

Investigation and readjustment of water rate contract.

oard of commissioners and the board of public also investigate the water rent contracts upon the canal mentioned in section 3, and make a rt to the next general assembly as to what exes for water rent may be increased.

N 5. The members of the board of commiser than the said engineer, shall each receive as on for their services under this act, the sum of day, provided the time employed in the perforsaid duties shall not exceed ninety days, unne be extended on the certificate of the governor office of the auditor of state. Said members shall itled to receive their actual expenses incurred e performance of their duties, and such reasonnsation for the services of a stenographer as of commissioners may allow, and shall be paid on the treasurer of state, upon vouchers being

Compensation of members of board.

filed in the office of the auditor of state and approved by the state engineer.

SECTION 6. This act shall be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 9, 1902. 98G

[House Bill No. 231.]

AN ACT

To amend section 1616 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Annexation:

SECTION 1. That section 1616 of the Revised Statutes of Ohio be amended so as to read as follows:

How territory detached from municipal corporation and attached to townships.

Sec. 1616. Upon petition of a majority of the freehold electors owning lands in any portion of the territory of a city, village or hamlet accurately described in such petition, with an accurate map or plat thereof, praying to have the said portion of territory detached from said city, village or hamlet, the commissioners of the county in which such portion of territory is situated, shall, with the assent of the council of the city or village or trustees of the hamlet, given in an ordinance passed for that purpose, and not otherwise, detach such portion of the territory from such city, village or hamlet and attach the same to any township contiguous thereto; and the petition, map, ordinance, and the order of the commissioners, certified by the county auditor, shall be recorded in the plat-book in the office of the county recorder, and as soon as the record is made, the proceeding shall be deemed complete, both as to the detaching of such territory from the municipal corporation and the annexation thereof to the township.

Repeals.

SECTION 2. Said section 1616 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 99G

[House Bill No. 286.]

AN ACT

nd section 6565 of the Revised Statutes of Ohio.

ed by the General Assembly of the State of Ohio:

ON 1. That section 6565 of the Revised Statutes amended so as to read as follows: Trial, and its incidents:

565. That in all cases before a justice of the or or police judge, whether tried by jury or mayor or police judge, either party shall have o except to the decisions of the justice, mayor or ge, upon any matters of law arising in the case. objecting to the decision must except at the cision is made, and time shall be given to reduce ons to writing, but not more than ten days nor five days beyond the date of overruling the a new trial, if such motion be made, or from n which the decision of the justice, mayor or ge, is rendered; when the decision objected to on the record and the grounds of the objection the entry, the exception may be taken by the ing same to be noted at the end of the entry, cepts, but when the decision is not entered on or the grounds of the objection do not sufficiently he entry, or exception is to the decision of the motion to direct a nonsuit, or to arrest the tes- m the jury, or for a new trial, because the if a jury is waived the finding of the court is law and the evidence, or on the admission or f evidence, the party excepting must reduce this to writing and present the same to the trial yor or police judge, or his successor, within the n limited, and if the same is correct he shall bill of exceptions and file the same with the he case, and note such signing and filing in his d transmit the same with the transcript of his original papers, within ten days of the date of ng, to the clerk of the court of common pleas n filed and entered upon his trial docket as in s. The party demanding such transcript shall, , pay the fees of the justice, mayor or police efor in advance.

Bills of exceptions on trial before justice, mayor or police judge.

How exceptions taken.

Signing, filing and transmission to clerk of courts.

ON 2. Said original section 6565 of the Revised Ohio is hereby repealed, and this act shall take be in force from and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

d April 10, 1902. 100G

[House Bill No. 354.]

AN ACT

Prescribing the penalty for maliciously blowing or attempting blow, or force an entrance, by any instrument, device or plosive whatsoever, into any safe, vault, or depository wherein is contained any money or thing of value.

Be it enacted by the General Assembly of the State of Oh

Penalty for forcing entrance into safe, vault or depository box.

SECTION 1. Whoever, at any time of the day or nig maliciously and forcibly, by and with the aid and use any instrument, device, or explosive, whatsoever, blows attempts to blow, or forces or attempts to force, an entra into any safe, vault or depository box wherein is contai any money or thing of value, shall upon conviction of s offense, be imprisoned in the penitentiary not more th twenty years nor less than one year.

SECTION 2. This bill to be in full force and effect and after its passage.

W. S. MCKINNON,
Speaker of the House of Representativ
F. B. ARCHER,
President pro tem. of the Sena

Passed April 10, 1902. 101G

House Bill No. 444.]

AN ACT

To amend sections 3702*b* and 3705*a* of the Revised Statutes of Ob

Be it enacted by the General Assembly of the State of Oh

Agricultural corporations:

SECTION 1. That sections 3702*b* and 3705*a* of the R vised Statutes of Ohio be so amended as to read as follow

Commissioners may levy tax for encouragement of agricultural fairs.

Sec. 3702*b*. When a county has purchased or leas for a term of not less than twenty years, real estate as site whereon to hold fairs, or where the title to the groun is vested in fee in the county agricultural society, or in t county the agricultural society has the control and ma agement of the lands and buildings, or when such lan and buildings are held by lease from any such society another society, association or incorporated company, t county commissioners are authorized for the purpose encouraging agricultural fairs, to annually levy taxes not exceeding one-tenth of one mill upon all the taxal property of the county, for the purpose of raising not exceed one thousand dollars in any county, which sum sh be paid by the treasurer of the county to the treasurer the agricultural society, except in case of such lease by su society when such sum shall be paid to the treasurer of su lessee society, association, or incorporated company up

m the county auditor duly issued therefor; and
commissioners, prior to the levy of any such
they think it for the interest of the county and
out of the treasury any sum not exceeding one
llars, as herein provided, out of the money in
fund not otherwise appropriated.

Insurance on fair ground property.

05*a*. That the county commissioners of any
ereby authorized to keep insured all buildings
e county agricultural society, or by the county,
fit of the county agricultural society, or the
ie case may be, if deemed proper by said com-

Repeals, etc.

2. Said original sections 3702*b* and 3705*a*
ed Statutes of Ohio be and the same are hereby
this act shall take effect and be in force from
passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

April 10, 1902. 102G

[House Bill No. 457.]

AN ACT

section 481-88 of the Revised Statutes of Ohio.

by the General Assembly of the State of Ohio:

Judges and judicial districts:

1. That section 481-88 of the Revised Stat-
be amended so as to read as follows:

-88. There shall be elected in the first sub-
ie ninth judicial district of Ohio, composed of
of Columbiana, Carroll and Stark, by the
eof, under and in pursuance of the general
of the state of Ohio, governing the election
the court of common pleas, at the township
he first Monday of April, A. D., 1886, one
court of common pleas in addition to the two
fore provided for by law for said subdivision
judicial district. Said additional judge shall
the term of five years; his term of office shall
third Monday of April, A. D., 1886, and he
the powers and be subject to all the obliga-
all perform all the duties pertaining to said
e of the common pleas court. He shall receive
pensation as other common pleas judges, and
any occur in his office, shall be filled as now
law in such cases, and his successor shall be
next annual general election, which shall be

Salary of judges of common pleas court residing in Stark county.

held on the first Tuesday after the first Monday in Nov
ber, next preceding the expiration of his term of office,
any of such judges provided for by this act, and any ju
or judges of the court of common pleas who at the t
of their election, respectively reside in Stark county,
shall thereafter continue to reside in the same county
at the time of election as aforesaid, shall receive in addi
to the salary payable out of the state treasury, the sum
fifteen hundred dollars per annum, upon the warrant of
county auditor, on the county treasury in the same ma
and at such times as is provided for the payment of s
judge or judges out of the state treasury.

Repeals, etc.

SECTION 2. Said original section 481-88 of the Rev
Statutes of Ohio be and the same is hereby repealed,
this act shall take effect and be in force on and after
passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President pro tem. of the Sen

Passed April 10, 1902. 103G

[House Bill No. 57.]

AN ACT

To require corporations to file annual reports with the secre
of state and to pay annual fees therefor.

Be it enacted by the General Assembly of the State of O

Domestic corporations, for profit, required to file annual report with secretary of state.

SECTION 1. Every corporation organized under
laws of this state, for profit, shall make a report in w
ing to the secretary of state, annually, during the month
May, in such form as the secretary of state may prescr
containing the following facts:

1. The name of the corporation.

2. The location of its principal office.

3. The names of the president, secretary, treas
and members of the board of directors, with postoffice
dress of each.

4. The date of the annual election of officers of s
corporation.

5. The amount of authorized capital stock and
par value of each share.

6. The amount of capital stock subscribed, the amo
of capital stock issued and outstanding, and the amoun
capital stock paid up.

7. The nature and kind of business in which
company is engaged and its place or places of business.

8. The change or changes, if any, in the above p
ticulars made since the last annual report.

eport shall be signed and sworn to before an
authorized to administer oaths, by the presi-
resident, secretary, or general manager of the
and forwarded to the secretary of state.

he filing of such report, the secretary of state
and collect from such corporation a fee of one-
e per cent. upon the subscribed or issued and
capital stock of said corporation, and to be
ten dollars in any case.

Fee to be paid upon filing such report.

n 2. Every foreign corporation for profit, now
doing business in this state, and owning or
or all of its capital or plant in this state, and
ompliance with the provisions of section 148c
sed Statutes of Ohio, shall, in addition to the
required by section 148c and 148d, Revised
Ohio, make a report in writing to the secre-
, annually, during the month of September, in
s the secretary of state may prescribe, contain-
wing facts:

Foreign corporations, for profit, required to file annual report with secretary of state.

e name of the corporation and under the laws
e or country organized.

e location of its principal office.

e names of the president, secretary, treasurer and
the board of directors, with the postoffice ad-
h.

e date of the annual election of officers.

e amount of authorized capital stock, and the
f each share.

e amount of capital stock subscribed, the amount
ock issued, and the amount of capital stock paid

e nature and kind of business in which the
engaged and its place or places of business.
and without the state of Ohio.

e name and location of its office or offices in
he name and address of the officers or agents
any in charge of its business in Ohio.

e value of the property owned and used by the
Ohio, where situated, and the value of the
ned and used outside of Ohio and where sit-

ne change or changes, if any, in the above par-
le since the last annual report.

eport shall be signed and sworn to before an
authorized to administer oaths, by the presi-
resident, secretary, superintendent or managing
s state, and forwarded to the secretary of state.

he filing of such report the secretary of state
cts thus reported and any other facts coming to
ge bearing upon the question, shall determine
on of the authorized capital stock of the com-

Fee to be paid upon filing such report

pany represented by its property and business in Ohio, shall charge and collect from such company, in add to the initial fees provided for in sections 148*c* and 148 the Revised Statutes of Ohio, for the privilege of exerci its franchises in Ohio, annually, one-tenth of one per upon the proportion of the authorized capital stock of corporation represented by property owned and used business transacted in Ohio, and to be not less than dollars in any case.

Domestic corporations, not for profit and having no capital stock, required to file annual report with secretary of state.

SECTION 3. Every corporation organized under laws of this state, not for profit, and having no capital st shall make a report in writing to the secretary of state, nually, during the month of December, in such form as secretary of state may prescribe, containing the follow facts:

1. The name of the corporation.

2. The location of its principal office.

3. The names of the president, secretary, treas and members of the board of trustees, or directors, postoffice address of each.

4. The date of the annual election of such corporat

5. The object or purpose which such corporatio engaged in carrying out.

Such report shall be signed and sworn to before an ficer authorized to administer oaths, by the president, president, secretary or other chief officer of the corp tion, and forwarded to the secretary of state.

Fee to be paid upon filing such report.

Upon the filing of such report the secretary of s shall charge and collect the following fees: For all porations organized for the purposes mentioned in sec 148*a*, paragraph 4, of the Revised Statutes of Ohio, dollars; for all corporations organized for the purp mentioned in section 148*a*, paragraph 5, one dollar.

Certificate to be issued by secretary of state showing compliance with this act.

SECTION 4. Upon the filing of the report and the ment of the fee provided for in the preceding section this act, the secretary of state shall make out and del to such corporation a certificate of the compliance by s corporation with the preceding sections and the payn of the annual fee therein provided for.

All fees thus collected to be paid into the state treasury; monthly report to auditor of state.

The secretary of state shall make a report monthl the auditor of state of the annual fees collected un this act, and shall pay the same into the state treasury to credit of the general revenue fund.

Penalty for failure to make report or pay fee; corporations for profit.

SECTION 5. In case any corporation required to file report and pay the fee prescribed in sections 1 and 2 of act shall fail or neglect to make such report or pay s fee within the period prescribed in said sections, resp tively, such corporation shall be subject to a penalty five hundred dollars, and an additional penalty of one h dred dollars per day for each day's omission after the t limited in this act for filing such report and paying s

penalty and the annual fee or fees required to be provisions of sections 1 and 2 of this act may d by an action in the name of the state, and on aid into the treasury to the credit of the gen- e fund.

How penalty recovered.

torney general, on request of the secretary of institute such action in the court of common anklin county, or of any county in the state in corporation has an office or place of business, rs.

vernor, secretary of state and attorney general, cause shown, may, in their discretion, remit the any part thereof prescribed in this section.

Remission of penalty.

any corporation required to file the report and e prescribed in section 3 of this act shall fail to make such report or pay such fee for three er the expiration of the time limited by this ch default is wilful and intentional, the attor- shall, on the request of the secretary of state, tion in the court of common pleas of Franklin of any county in this state in which such cor- located, to forfeit and annul the charter of such , and if such court is satisfied that such default d intentional, the court is authorized to revoke such charter.

Penalty for failure to make report or pay fee; corporation not for profit.

N 6. Any corporation shall have the right to be e secretary of state upon the matter of deter- the amount of fees due under the provisions of ny corporation aggrieved by the decision of the state may, within ten days, appeal to the aud- e, treasurer of state and the attorney general, ion in the matter shall be final.

Hearing by secretary of state and appeal from decision thereof.

N 7. Provided that electric light, gas, natural works, pipe line, street railroad, electric inter- ad, steam railroad, messenger, union depot, ex- ht line, sleeping car, telegraph, telephone and rations, required by law to file annual reports ditor of state, and insurance, fraternal beneficial, d loan, bond investment, and other corporations law to file annual reports with the superin- insurance, shall not be subject to the provisions ceding sections of this act. Provided further, oration shall not be required to file its first an- under this act until the proper month herein- ided for the filing of such report, next following ion of six months from the date of its incorpora- ission to do business in this state.

Certain corporations excepted from the provisions of this act.

First report of newly organized corporation; when to be filed.

N 8. Every domestic corporation, in case of dis- vocation of charter or abandonment of its cor- poses, shall file with the secretary of state a f such dissolution, revocation of charter or aban- n case of dissolution or abandonment by volun-

Certificate of dissolution, revocation of charter or abandonment to be filed with secretary of state.

tary action of the corporation, such certificate shall
signed by the president and secretary of the corporati
in case of dissolution, or revocation of charter by action
a competent court, such certificate shall be signed by
clerk of the court entering the decree of dissolution
revocation. The fees for making and filing such certific
with the secretary of state shall be taxed in the costs
favor of the party paying the same, and shall have
same priority as other costs in the dissolution proceedin

Foreign corporation retiring from state shall file certificate to that effect.

Every foreign corporation when it shall retire fr
business in this state is hereby required to file with
secretary of state a certificate to that effect, signed by
president and secretary of the corporation.

Fees for filing such certificates.

The fee for filing certificates of dissolution, revocat
of charter, abandonment, or retirement of corporations,
profit, shall be five dollars; for filing such certificates
corporations, not for profit, one dollar. Provided, that

Surrender of charter of corporation not in active existence at time of passage of this act.

charter of a corporation which is shown to have been
longer in active existence at the time of the passage of t
act, may be surrendered on the payment of one dollar,
proof as otherwise provided by law.

Mere retirement from business or voluntary dissolution of corporation shall not exempt it from provisions of this act.

The mere retirement from business or voluntary d
solution of a domestic or foreign corporation without ha
ing filed the certificate provided for in this section, sh
not exempt it from the requirements to make reports a
pay fees in accordance with the provisions of this act.

SECTION 8. This act shall take effect and be in fo
from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representativ
CARL L. NIPPERT,
President of the Sena

Passed April 11, 1902. 104G

[House Bill No. 109.]

AN ACT

To further supplement section 4889 of the Revised Statutes of Oh

Be it enacted by the General Assembly of the State of Oh

Repair of improved roads:

SECTION 1. That section 4889 of the Revised Statut
of Ohio be further supplemented by the enactment of t
following sections, with the sectional numbering here
provided.

Townships in Stark and Columbiana counties made road districts.

Sec. 4889*b*. That the several townships in the cou
ties of Stark and Columbiana, state of Ohio, be and t
same are hereby constituted and made separate and ind
pendent road districts for the purpose of repairing a
improving the roads and highways as herein set fort
independent of and free from the operation of existi
laws relating to the improvement of roads and highwa

er laws not consistent with the provisions of

89c. After the passage of this act the office of isor, for the sub-districts into which the various ave been divided shall be and is hereby abol- **Office of road supervisor abolished.**

89d. Within fifteen days from the passage of e township trustees of the various townships the advice and consent of the board of county ers appoint a roadmaster who shall hold office of one year, unless sooner removed (which moval shall vest in said township trustees), and me as his successor shall be duly appointed and Said appointment shall date from the first day f each year. Said roadmaster shall take an ce, and shall give bond for the faithful per- his duties in a sum not less than five hundred h sureties to the satisfaction of the township ich bond shall be filed with the township clerk ective townships. No removal can be made ause, and such cause of removal shall be stated the record of said township trustees: and all rom any cause whatsoever, shall, with the advice of the board of county commissioners be filled nship trustees, provided that any appointment a vacancy shall be only for the unexpired term such vacancy. Said roadmaster shall be paid ed the sum of two dollars and fifty cents per ch day of ten hours actually and necessarily the performance of his official duties, as herein nd the amount due for such service shall be the road fund of the township monthly, upon ster presenting a claim and making a full, nd itemized statement of such services, which wnship trustees shall allow if true and correct.

Roadmaster.

Appointment; term.

Oath.

Bond.

Removals.

Vacancies.

Compensation.

89e. After the passage of this act the trustees or cause to be made a plat of the roads of the nships, which plat shall be kept in the office nship trustees and the same shall show places g, and shall designate the road or part of road ved by macadamizing, gravelling, or any other expedient means; and said township trustees thereafter, in conjunction with the roadmaster, e amount of road to be improved, the manner improvement, and from time to time thereafter, ossible, as the improvement on specified roads, mpleted, add other roads thereto, until all the ne township shall be improved, provided that al and most used roads shall have precedence of the making and improvement.

Improvement of township roads.

89f. Said township trustees may contract by otherwise for furnishing the material and for necessary repairs or improvements of said roads

Trustees to make contracts.

in their respective townships. For the purpose of letting such contracts the trustees shall divide the roads to be contracted for into suitable sections, and the same shall be sold or let by sections. The township trustees shall by posting notices in at least twelve public and conspicuous places in the respective townships, let out such contract to the lowest responsible bidder, said notices to specify the nature and extent of the work to be done and invite proposals of bids therefor. The trustees shall have the right to reject any or all bids. Such contracts shall be let upon specifications of the materials to be used, fully stating the manner in which the work or improvement shall be performed, which specifications shall be prepared and furnished by the roadmaster and the township trustees. Bidders shall be required to state their bids in such way as the trustees may require. Contractors for such work shall give bond to the satisfaction of the trustees in double the amount of the contract price, for the faithful performance of such contract. Said contract shall provide that the same shall be performed to the satisfaction of the roadmaster and the township trustees, and no payment shall be made on any such contract except upon the roadmaster's certificate that the provisions of the contract have been complied with, subject to the approval of the township trustees. No contract shall be for more than one year.

Duties of roadmaster.

Sec. 4889*g*. The township roadmaster shall have charge of the repair and improvement of all the roads in the township; and it shall be his duty to make or cause to be made, all needed repairs such as scraping, leveling, repairing culverts, opening ditches and water courses and such other duties in connection with the repair and improvement of roads as the township trustees may order. Provided, that the scraping and leveling, repairing culverts and opening ditches, and water courses be performed before the 15th day of June of each year; provided further, that nothing in this section shall prevent the necessary repair of any road at any time during the year. The trustees shall annually, at a regular meeting, fix the compensation to be paid for teams, drivers and laborers to be employed on the road in their respective townships and the roadmasters shall employ such number of teams and such labor as may be necessary to make said repairs within said time, as provided in section six of this act. And in making such employment, the roadmaster shall give preference to the residents in the vicinity of such repair. Provided, however, that at no time shall the expenditure exceed the amount of money in the road fund or in process of collection for said fund.

Tax levy.

Sec. 4889*h*. For the purposes of this act the trustees are authorized to levy a tax not to exceed four mills on the dollar of all taxable property in the township which levy shall be made and certified the same as other township levies, and all such taxes shall be paid in money, and when collected and received by the several townships shall constitute

o road fund, and shall be used for repairing, d improving roads and for no other purpose.

889*i*. All contracts let under the provisions of all be completed before the first day of October r in which the contract was given.

889*j*. The term "improved roads" as used in all be construed to mean all roads which have eled, macadamized, or otherwise improved by nder the provisions of this act.

Meaning of term "improved roads."

889*k*. The provisions of this act shall not apply corporated city or village within any township the provisions of this act; nor can the road- appointed by the township trustees be a resident corporated city or village, within the township, said roadmaster be nearer of kin than second any member of the board of township trustees e appointment.

ON 2. This act shall take effect and be in force after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

d April 14, 1902. 105G

[Senate Bill No. 36.]

AN ACT

end section 2232 of the Revised Statutes of Ohio.

ed by the General Assembly of the State of Ohio:

ON 1. That section twenty-two hundred and (2232) of the Revised Statutes of Ohio be o as to read as follows:

Appropriation of property.

2232. Each city and village may appropriate, and hold real estate within its corporate limits llowing purposes, but no more shall be taken iated than is reasonably necessary for the purpose is to be applied:

Purposes for which municipalities may appropriate realty.

or opening, widening, straightening and extend-, alleys and avenues; also for obtaining gravel naterial for the improvement of the same, and urpose the right to appropriate shall not be lim- ds lying within the limits of the corporation.

or market space.

or buildings and structures required for the use department.

or public halls and necessary offices.

or prisons.

6. For infirmaries.

7. For workhouses.

8. For houses of refuge and correction.

9. For public hospitals.

10. For public parks, after a notice of not less than thirty days, given in two newspapers of opposite politics, if there be such published in said village or city, or by written notice posted in five or more public places in such municipality for a like time if there be no newspaper published in such city or village; and after the proposition to purchase and appropriate has been voted upon and approved by a majority of those voting upon the proposition; and for this purpose the right to appropriate shall not be limited to lands lying within the corporation: and after such affirmative vote the council shall have the right and power to issue the bonds of said village or city, in payment of the amount so fixed by the court by proceedings in condemnation as to the value of said property.

11. For gas works.

12. For waterworks and electric light purposes; and for this purpose the right to appropriate shall not be limited to lands lying within the corporation.

13. For schoolhouse sites and grounds; and for this purpose the board of education shall select the site and recommend the appropriation; and for university sites and grounds; and for this purpose the board of directors of a university whose property is exclusively owned and whose directors are appointed by the municipal corporation, shall select the site and recommend the appropriation.

14. For public cemeteries; for which purpose the right to appropriate shall be limited to land lying within the corporation; but no land shall be appropriated under this provision until the court is satisfied that suitable premises cannot be obtained by contract upon reasonable terms; and no land shall be appropriated upon which there may be a dwelling house, orchard or nursery, or any valuable mineral or other medicinal spring or well actually yielding gas, oil or salt water; nor shall land be appropriated or obtained for such purpose within two hundred yards of any dwelling house without the consent in writing of the owner of the tract of land on which such dwelling house may be situated.

15. For public wharves and landings on navigable waters.

16. For levees to protect against floods; and for this purpose the corporation shall have the power to appropriate, enter upon and take private property lying outside of the corporate limits, and may extend and strengthen its levees and embankments along a river or stream adjacent to the limits of the corporation, and may widen the channel of such river or stream.

17. For necessary bridges.

For constructing, opening, excavating, improving, , enlarging, straightening and extending any canal, l, or water course, located in whole or in part limits of the corporation, which is not owned in in part by the state or a company or individual l by law to make such improvement.

For sewers, drains and ditches; and for this pur- orporation shall have power to appropriate, enter take private property lying outside the corporation t no lands not subdivided in lots or parcels of more (10) acres, or tenements annexed or appropriated axed at a higher rate than in the township from l lands and tenements were taken, so long as said tenements are used for agricultural purposes only.

For public urinals, water-closets and privies.

For lighting for any public use.

ION 2. That original section 2232 of the Revised of Ohio is hereby repealed, and this act shall take be in force from and after its passage. **Repeals, etc.**

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

ed April 14, 1902. 106G

[House Bill No. 138.]

AN ACT

for the regulation and government of Chautauqua assem- o-called, or other institutions or gatherings held for the e of dissemination or encouragement of religion, art, , literature, etc., where the grounds or the premises are or more adjoining counties, by empowering such organi- to adopt rules; providing what shall be violations thereof, justices of the peace, mayors etc., jurisdiction of such s, and authorizing the appointment of special policemen.

ted by the General Assembly of the State of Ohio:

ION 1. Any corporation duly incorporated under of the state of Ohio for the purpose of holding ua assemblies, so-called, or for the purpose of the ement of religion, art, science and literature, or urpose of general dissemination of knowledge, or or more of such purposes, that occupies grounds, hich is in one county and part of which is in an county, and that holds meetings or entertain- reon for the advancement of the purposes of its tion, may, through its board of directors, make s and regulations for the government of such **Certain Chautauqua or similar assemblies may make rules and regulations for government of grounds.**

grounds, not inconsistent with the laws of the state, will promote the purposes for which it is incorporate

Special policemen.

and such corporation may have one or more special poli men appointed on application of the board of directors general manager of the affairs of such corporation by a justice of the peace in either township in which a pa

Powers and duties.

of such grounds is situated. Such policemen shall be poli officers with the same powers within and about the wh of such grounds as are vested in such officers in villag or cities in either county in which a part of such groun are situated. Their duty when appointed shall be to pr serve order and to prevent disturbances and breaches the peace in and about the buildings and on and about t grounds used for such meetings and entertainments on or in grounds or structures or buildings pertaining leading thereto, and to protect and preserve the sa from injury, and to arrest any and all persons maki any loud or unusual noise, causing any disturbance committing any breach of the peace, or committing a misdemeanor, or willfully violating any of the provisio of this act or the established rules and regulations such corporation for the government of such grounds, committing any willful trespass upon such grounds, or su structures or in, or upon such buildings or any part there and to convey such person or persons so arrested, befo any magistrate having jurisdiction of the offense, to dealt with according to law.

Penalty for trespass or injuries to property.

SECTION 2. Any willful trespass in or upon any of t buildings, structures, or grounds provided or used for o or more of the purposes named in section 1 of this a and any willful injury to any of such buildings, or to su grounds, or to any trees or shrubs, or to any fence, fi tures, or other property thereon or pertaining thereto a any willful disturbance of the peace and quiet of su grounds by intentional breach of the rules and regul tions thereof shall be misdemeanors punishable by fine a imprisonment or either; and concurrently with courts record of this state justices of the peace, mayors and p lice justices in either county in which a part of su grounds is situated shall have the same jurisdiction of su offenses as they have of other cases of misdemeanor co mitted within their jurisdiction and shall have the juri diction over the persons brought before them in the for and manner prescribed in the first section of this act. A the keepers of the jails, lockups or station houses in eith of the counties in which a part of such grounds is sit ated shall receive all persons arrested under this act to dealt with according to law.

Removal and compensation of policemen.

SECTION 3. Such policemen appointed under this a may be removed at the pleasure of the board of directo or general manager of the affairs of the corporations f which they are respectively appointed and their compens tion shall be paid by the corporation in the form and ma ner agreed upon between them.

ON 4. A person who with intent to defraud, unterfeits, or falsely alters or wrongfully utters contract or other paper or writing, entitling or to entitle the person whose name appears there- proprietor thereof, to entrance upon the grounds es, or to entrance upon the grounds or premises rporation owning or conducting a camp ground being thereupon to remain upon any such grounds es, named in section 1 of this act, and a person intent to defraud, uses such forged, counter- falsely altered ticket, contract, or other paper or effect an entrance upon such grounds or prem- person who, being upon such grounds or premises, intent, uses such forged, or counterfeited, or ered ticket, or contract, or other writing, as evi- is right to remain upon such grounds or premises, rson who, with like intent, sells, exchanges, or r keeps, or offers for sale, exchange or delivery s upon any purchase, exchange or delivery, any t, contract or other paper or writing knowing to have been forged, counterfeited or falsely guilty of a misdemeanor and punishable by fine nment or both, and justices of the peace, mayors, justices in either county in which a part of such e situated shall have the same jurisdiction of such they have of other cases of misdemeanor com- within their jurisdiction.

Penalty for making or using, etc., fraudulent or counterfeit ticket.

ON 5. A person who, with intent to defraud ration named in section one of this act, or with defraud any corporation owning or conducting round or park by means of a ticket, contract or r or writing, appearing on its face not negotiable, entitled or purports to entitle, the person whose ears therein to entrance upon the grounds or or being thereupon to remain upon such grounds es of such corporation, shall falsely personate any or individuals named in such ticket, contract or r, or writing as the grantee or beneficiary thereof, t to wrongfully convert to his or her own use the cured, or which purport to be secured, by such ntract, or other paper, or writing, to the person s named therein as the grantee or beneficiary nd who shall by such false personation secure fit, and a person who, with like fraudulent in- attempt so falsely to personate the person or ned in such ticket, contract of other paper or with intent to defraud such corporation and to y convert to his or her own use the benefit se- which is purported to be secured by such ticket, r other paper or writing, to the person or party erein as the grantee or beneficiary thereof, and son who remains upon such grounds or premises right or the evidence of a right to do so, and ecures the benefit of such privilege, and, with

Penalty for unlawful use of ticket, or for remaining on grounds without right.

intent to defraud, attempts to leave such grounds, ignoring the demand for payment of just remuneration, is guilty of a misdemeanor, punishable by fine or imprisonment or both, and justices of the peace, mayors and police justices in either county in which the part of such grounds are situated shall have the same jurisdiction of such offense as they have of other cases of misdemeanor committed within their jurisdiction.

Penalties.

SECTION 6. Any person violating any of the provisions of any of the sections of this act shall be fined in any sum not less than $25, nor more than $100, or imprisoned in a workhouse, or county jail not less than ten days nor more than thirty days, or both.

SECTION 7. This act shall take effect and be in full force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 14, 1902. 107G

[House Bill No. 55.]

AN ACT

To amend sections 2780-17, 2780-18, 2780-19, 2780-20, 2780-21 and 2780-22, and to supplement said section 2780-22 by supplementary section 2780-23 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Excise tax law.

That section 2780-17, 2780-18, 2780-19, 2780-20, 2780-21 and 2780-22 of the Revised Statutes of Ohio be amended so as to read as follows, and said section 2780-22 be supplemented by section 2780-23 as follows:

Electric light company.

Sec. 2780-17. That any person or persons, joint stock association or corporation, wherever organized or incorporated, when engaged in the business of supplying electricity for light, heat or power purposes to consumers within this state, shall be deemed to be an electric light company; when engaged in the business of supplying artificial gas for lighting or heating purposes to consumers within this state, shall be deemed to be a gas company; when engaged in the business of supplying natural gas for lighting, heating or power purposes to consumers within this state, shall be deemed to be a natural gas company; when engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partially, within this state, shall be deemed to be a pipe line company; when engaged in the business of supplying water, through pipes or tubing, or in a similar manner, to consumers within this state, shall be deemed to be a waterworks company;

Gas company.

Natural gas company.

Pipe line company.

Waterworks company.

ged in the business of operating a street, sub- nterurban railroad, either wholly or partially state, whether the cars used in such business d by animals, steam, cable, electricity, or other be deemed to be a street, suburban or inter- oad company; when engaged in the business ng to, from or through this state, or any part ney, packages, gold, silver, plate or other article, not including the ordinary lines of transpor- erchandise and property in this state, shall be be an express company; when engaged in the transmitting to, from, through, or in this state, messages, shall be deemed to be a telegraph when engaged in the business of transmitting through, or in this state, telephonic messages, emed to be a telephone company; when engaged ness of supplying messengers or of signaling or electrical apparatus, or in similar manner, for e, shall be deemed to be a messenger or signal when engaged in the business of operating a or station for railroad purposes, shall be deemed on depot company; when engaged in the business g a railroad, either wholly or partially within whether on rights of way acquired and held by such company or otherwise, shall be deemed road company.

Street, suburban or interurban railroad company.

Express company.

Telegraph company.

Telephone company.

Messenger or signal company.

Union depot company.

Railroad company.

780-18. Every electric light, gas, natural gas, waterworks, street, suburban or interurban rail- ss, telegraph, telephone, messenger or signal, and ot company, defined in section (1) one hereof, ness in this state shall, annually, between the irty-first days of May, and every such railroad all, annually, on or before the first day of Sep- der the oath of the person constituting such f a person, or under the oath of the president, reasurer, superintendent or chief officer in this ch association or corporation, if an association tion, make and file with the auditor of state a in such form as the auditor of state may pre- aining the following facts:

Annual statements of such companies.

The name of the company.

1. The nature of the company, whether a person or association or corporation, and under the laws te or county organized.

The location of its principal office.

1. The name and postoffice address of the presi- tary, auditor, treasurer and superintendent or nager.

The name and postoffice address of the chief managing agent of the company in Ohio.

In the case of express companies the entire re- cluding all sums earned or charged, whether

actually received or not) for business done within this state of each agent of such company doing business in this state (giving the name of the office) for the year then next preceding the first day of May, for and on account of such company, including its proportion of gross receipts for business done by such company within this state in connection with other companies; also, the total amount of such receipts for business done within this state.

Seventh. In the case of telegraph and telephone companies, the entire gross receipts (including all sums earned or charged, whether actually received or not) for the year then next preceding the first day of May, from whatever source derived, whether messages, telephone tolls, rentals, or otherwise, for business done within this state of each office within this state (giving the name of the office) and the total gross receipts of the company for such period in Ohio from business done within Ohio.

Eighth. In the case of each railroad situated wholly within Ohio, the gross earnings from its operation, and in the case of each railroad located partly within and partly without Ohio, the gross earnings from the operation of the entire line, for the year ending the thirtieth day of June next preceding, with the miles of line within Ohio, and the miles of line without Ohio.

Ninth. In the case of each street, suburban or interurban railroad situated wholly within Ohio, the gross earnings from its operation and in the case of each street, suburban or interurban railroad located partly within and partly without Ohio, the gross earnings from the operation of the entire line, for the year ending the first day of May next preceding, with the miles of line within Ohio, and the miles of line without Ohio.

Tenth. In the case of companies, other than express, street, suburban and interurban railroads, and railroads, the entire gross receipts of the company (including all sums earned or charged, whether actually received or not) for business done within this state for the year then next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies.

Eleventh. Such other facts and information as the auditor of state may require in the form of return prescribed by him.

Blanks for making the above statement shall be prepared, and, on application, furnished any electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot and railroad company, by the auditor of state.

State board of appraisers and assessors; how constituted and officered; minutes of proceedings.

Sec. 2780-10. The auditor of state, treasurer of state, attorney general and secretary of state shall constitute a board, named the state board of appraisers and assessors, of which board the auditor of state shall be ex-officio president. In the absence or inability of the auditor, the board

t one of its members president pro tempore. hall appoint a secretary and full minutes of its shall be kept. The board shall, annually, on nday in June, meet in the office of the auditor d thereupon, or when received, the auditor of y before the board the statements and schedules him under section 2780-18 of the Revised Stat-. The reports made by railroad and telegraph o the commissioner of railroads and telegraphs rded and treated by the board as reports made ne board shall have power at any time to call commissioner for information. The board may r the reports filed with the auditor of state telegraph and telephone companies under the f section twenty-seven hundred and seventy-ed Statutes, of Ohio. The board shall proceed and determine, on or before the second Monday e entire gross receipts of electric light, gas, pipe line, waterworks, express, telegraph, tele-enger or signal, and union depot companies for ne within Ohio, for the year then next preceding of May, and the amounts ascertained by said in such instance, be held and deemed to be "the ts of such electric light, gas, natural gas, pipe vorks, express, telegraph, telephone, messenger nd union depot company, for business done for the year under consideration. The board r proceed to ascertain and determine, on or first Monday in October, the gross earnings eration within Ohio of each railroad company is wholly or partially within this state, for the next preceding the thirtieth day of June, and ascertained by said board shall be held and e "the gross earnings of such railroad company eration within Ohio" for the year under con- In ascertaining the gross earnings from its ithin Ohio of a railroad company whose line within and partly without this state, the gross om its operation of the entire line or system, ided by the total number of miles operated to verage gross earnings per mile, and the gross om the operation within this state shall be taken verage gross earnings per mile multiplied by of miles operated within this state. The board r proceed to ascertain and determine, on or econd Monday in July, the gross earnings from within Ohio of each street, suburban or inter-ad company whose line is wholly or partially state, for the year then next preceding the May, and the amount so ascertained by said be held and deemed to be "the gross earnings eet, suburban or interurban railroad company eration within Ohio" for the year under con- In ascertaining the gross earnings from its

Annual meetings; statements and reports to be submitted; power to call for information.

Ascertainment of gross receipts of companies other than railroad for preceding year.

Ascertainment of gross earnings of steam railroad companies for preceding year.

Ascertainment of gross earnings of street, suburban or interurban railroad companies for preceding year.

operation within Ohio of a street, suburban or interurban railroad company whose line lies partly within and partly without this state, the gross earnings from its operation of the entire line or system, shall be divided by the total number of miles operated to obtain the average gross earnings per mile, and the gross earnings from the operation within this state shall be taken to be the average gross earnings per mile, multiplied by the number of miles operated within this state. The board may adjourn from time to time, until the business before it is finally disposed of. In case of failure or refusal of any company to make the statement required by law, or furnish the board any information requested by it, the board shall inform itself, as best it may, on the matters necessary to be known, in order to discharge its duties under this act. And at any time, after the meeting of the board on the first Monday in June, and before the gross receipts of any company other than street, suburban or interurban railroad or railroad, for business done within Ohio, or the gross earnings from its operation within Ohio of any street, suburban or interurban railroad company or railroad company are determined, any company or persons interested shall have the right, on written application, to appear before the board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company, other than street, suburban or interurban railroad or railroad, for the business done within Ohio, or of the gross earnings from its operation within Ohio, of any street, suburban or interurban railroad or railroad company and before the certification of the auditor of state of such amount, as provided in section 2780-21 of the Revised Statutes of Ohio the board may, on the application of any person or company interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Adjournment pro tempore.

Self-information.

Right to appear before board and be heard.

Review and correction of findings.

Penalty for failure to file statement.

Sec. 2780-20. In case any company required to file a statement under the provisions of section 2780-18 of the Revised Statutes of Ohio fails to make and file such statement on or before the thirty-first day of May, such company shall be subject to a penalty of five hundred dollars, and an additional penalty of one hundred dollars for each day's omission after the thirty-first day of May to file such statement, said penalty to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit of the general revenue fund. The attorney general, on the request of the auditor of state, shall institute such action against any company so delinquent in the court of common pleas of Franklin county, or in any county in which such company does business and shall be allowed for his services five per centum on the amount collected, to be retained by him and the balance

Recovery and disposition of penalty; fees of attorney general.

state treasury. The state board of appraisers shall have power to require the president, asurer, receiver, superintendent or managing er officer, or employe or agent, of any electric ıtural gas, pipe line, waterworks, street, sub- rurban railroad, express, telegraph, telephone, signal, union depot and railroad company fore the board, and bring with him for the the board, any books or papers of such com- ossession or control, and to testify under oath matter relating to the organization or busi- ı company. Any member of the board is ıd empowered to administer such oath. Any ye, or agent of such company, who shall refuse fore the board when requested to do so, or o bring with him and submit for the inspection any books or papers of such company in his ustody or control, or shall refuse to answer put to him by the board of any member thereof, organization or business of such company, ıed guilty of a misdemeanor, and on conviction l not more than five hundred dollars or impris- ore than thirty days, or both, and any of- e or agent of such company so refusing, as all be guilty of contempt of such board, and ined, by order of such board, in the jail of ounty until he shall have complied with the of the board and paid the cost of his impris-

Powers to require attendance, submission of documents, giving of testimony and to administer oath.

Penalty for refusal to attend, submit documents or testify.

30-21. The board of appraisers and assessors first Monday in August, report to the auditor amount of the gross receipts of electric light, gas, pipe line, waterworks, express, telegraph, essenger or signal and union depot companies done within the state of Ohio, and the amount earnings from its operation within Ohio of suburban or interurban railroad company, for ı next preceding the first day of May, and on ıday in October, the board shall report to the tate the amount of the gross earnings from within Ohio of each railroad company for en next preceding the thirtieth day of June. time the board shall file with the auditor of ıtements of the various companies and other e it. It shall be the duty of the auditor of month of November, annually, to charge and each electric light, gas, natural gas, pipe line, express, telegraph, telephone, messenger or union depot company doing business in this ı, in the nature of an excise tax to be com- king one per centum of the amount fixed by

Annual reports of board; filing of statements and other papers.

Assessment and collection of excise tax on companies.

the state board of appraisers and assessors as the gross receipts of such company for business done within the state of Ohio for the year then next preceding the first day of May, and certified to the auditor of state; and from each street, suburban or interurban railroad company doing business in this state, a sum in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the gross earnings from its operation within Ohio of such company for the year then next preceding the first day of May and certified to the auditor of state; and from each railroad company doing business in this state a sum in the nature of an excise tax, to be computed by taking one per cent. of the amount fixed by the state board of appraisers and assessors as the gross earnings from its operation within Ohio of such company for the year then next preceding the thirtieth day of June, and certified to the auditor of state. Provided, nothing contained in this act shall exempt or relieve electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot and railroad companies from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected by the auditor of state under the provisions of this act, shall be paid into the state treasury, and be credited to the general revenue fund. If any electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot or railroad company fails or refuses to pay said tax during the month of November, the auditor of state shall add to the tax due, a penalty of fifty per cent. thereon; and shall forthwith proceed to collect tax and penalty with interest at the rate of six per cent. per annum by any means provided by law for the collection of taxes by county treasurers, and for his services shall be allowed five per cent. on the total amount collected, which he is authorized to retain. It shall be the duty of the attorney general, or any prosecuting attorney, on request of the auditor of state, to prosecute any proceedings for the collection of such tax, which officer shall be allowed for his services five per cent. on the total amount collected, to be retained and paid to him by the auditor of state. The balance of the amount collected shall be paid into the state treasury. Suits for collection of such tax may be brought in the name of the state in Franklin county, or in any county in which such electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot or railroad company is doing business or the line of such street, suburban or interurban railroad company or railroad company is located. In case the tax herein authorized to be charged and collected against any class of companies defined in the first section of this act, engaged in any class of business mentioned therein, shall, for any

Nonexemption of tangible property.

Disposition of taxes.

Penalty and collection in case of delinquency; duties and fees of officers.

When suit may be brought.

Non-interdependence of validity of section or clause.

declared invalid, such invalidity shall in no
t the validity of the law as applicable to any
s or classes of companies defined in said sec-
hall the abrogation or repeal of any section or
his act be held to abrogate or repeal any other
clause thereof.

780-22. This act shall not be construed so as to
y municipal corporation within the state to make
or pay any taxes under any provision of this act.

Exemptions of municipalities.

780-23. During the month of October of each
uditor of state shall file with the secretary of state
statement containing the name of each company
complied with the provisions of this act during
ext preceding, and such facts respecting it within
edge, which are required by law to be annually
the secretary of state by corporations other than
ded within the provisions of this act.

Auditor of state to file with secretary of state reports as to companies.

ON 2. That sections 2780-17, 2780-18, 2780-19,
780-21, and 2780-22 of the Revised Statutes of
id the same are hereby repealed, and this act shall
and be in force from and after its passage.

Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

d April 15, 1902. 108G

[House Bill No. 656.]

AN ACT

ment section 2476-27 of the Revised Statutes of Ohio.

ed by the General Assembly of the State of Ohio:

ON 1. That section 2476-27 of the Revised Stat-
io be supplemented with sectional numbering as

Fire department; Dayton.

2476-27a. That in any city of the second grade
nd class in which the members of the fire depart-
or may be paid at a less rate than the salaries
hem by sections 2476-25 and 2476-27 of the Re-
utes of Ohio, and where a suit has been or may
t to compel the payment of salaries to the mem-
e fire department of such city in accordance with
ns if final judgment be rendered, compelling the
f salaries in accordance with said sections, then
in order to provide money to pay the increase
between the passage of said sections, and the
of such judgment, shall issue and sell its bonds
not exceeding thirty thousand dollars.

Bond issue to pay members of fire department.

the bonds provided for in this act shall be en-
dary Bonds." All the bonds provided for by this

act shall run for such length of time not exceeding thirty (30) years, and shall bear such rate of interest not exceeding four (4) per cent. per annum, payable semi-annually, as such boards of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs and by the city comptroller, and shall be sealed with the comptroller's official seal, and shall be in denominations of one thousand dollars ($1,000.00) each. Such bonds shall bear upon their face a reference to this act and shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

Tax levy.

That for the purpose of paying the principal and interest of any bonds issued and sold hereunder, the authorities of such city are empowered to levy and collect each year upon the tax duplicate until all bonds issued hereunder are paid, a tax not exceeding one (1) tenth of one (1) mill on each dollar of valuation of all taxable property in such city, in addition to all other taxes now, or that may hereafter be authorized by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 109G

[House Bill No. 299.]

AN ACT

To amend sections 4808 and 4827 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

One mile assessment pikes:

SECTION 1. That sections 4808 and 4827 of the Revised Statutes of the State of Ohio be amended so as to read as follows:

Road commissioners may issue bonds therefor.

Sec. 4808. The commissioners of any free turnpike road, whenever they deem it necessary for the purpose of constructing a free turnpike road, completing the same, or liquidating any indebtedness on account thereof, are authorized to issue bonds, payable at the county treasury, in installments, at intervals not exceeding the number of years for which the special tax provided for in this chapter has been levied, bearing interest not exceeding six per centum per annum, payable semiannually; which bonds shall not be sold for less than par, and shall be registered by the county auditor, previous to their issue; in a book by him kept for that purpose; such registry shall show the number of each bond issued, the amount for which issued, the rate of interest which it bears, and when the same is payable; and the extra taxes levied under the provisions of

ter shall be divided in such manner as to meet the of the interest and principal of the bonds; and llected the money arising therefrom shall be ap- the treasurer of the county to the payment of said d interest upon the warrants of the county auditor, discharging any other indebtedness incurred on of said free turnpike, upon the warrant of the county first authorized in writing by the commissioners of e turnpike. Disposition of taxes when collected.

4827. When the commissioners of a free turnpike e completed the same, they shall immediately there- ke a final report to the county commissioners of expenditures on the road and deposit their books ers with the county auditor. Upon the acceptance road by the county commissioners, as provided in 4796 of the Revised Statutes of Ohio, and the ap- f said final report said road shall be kept open and , as provided in chapter ten. Any money remain- ne hands of the free turnpike commissioners, shall, e acceptance of said road by the county commis- be paid into the county treasury and paid out as in section 4808. Road commissioners to make final report.

TION 2. Said original sections 4808 and 4827 are repealed, and this act shall take effect and be in om and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

sed April 15, 1902. 110G

[House Bill No. 480.]

AN ACT

To restrict the selling or giving away of cocaine.

cted by the General Assembly of the State of Ohio

TION 1. Whoever sells, barters or gives away any of cocaine, except upon the prescription of a physi- y licensed under the laws of the state of Ohio, or ters or gives away any quantity of cocaine to any r persons without having first marked the word upon the label or wrapper containing the same stered in a book to be kept by him or her for ose, the day and date on which it is sold, bar- given away, the name and address of the physician scribed the same, the quantity thereof, the name and color of the person obtaining the same, the for which it is required and the name and place of the person or persons for which the same is shall be fined not more than five hundred dollars han fifty dollars, but the provisions of this act do Cocaine; restriction of the selling or giving away of. Penalty for violation of this act.

not extend to any person, persons, firm or corporation engaged in selling drugs and medicines at wholesale to sell any quantity of cocaine to another person, persons, firm or corporation engaged in selling drugs or medicines at wholesale or retail, in accordance with the laws governing such business.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 14, 1902. 111G

[House Bill No. 282.]

AN ACT

To prohibit the delivery or depositing of drugs, medicines, antiseptics, disinfectants and cosmetics, either for internal or external use upon the premises of another.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful disposition of drugs, medicines, etc.

SECTION 1. That any person who shall by himself, his servant or agent, or as the servant or agent of any other person, leave, throw or deposit, or upon the doorstep or premises owned or occupied by another, or who shall deliver to any child under fourteen years of age, any patent or proprietary medicine, or any preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or any drug or medicine that contains poison, or any ingredient that is deleterious to health, as a sample, or in any quantity whatever for the purpose of advertising, shall be deemed guilty of a misdemeanor.

Definition of terms.

SECTION 2. The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic, as used in this act, shall include all remedies for internal or external use, either in packages or bulk, simple, mixed or compounded.

Penalty.

SECTION 3. Whoever violates the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both, for each and every violation.

SECTION 4. This act shall take effect and be in force on and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 112G

[House Bill No. 98.]

AN ACT

villages of the second class to complete certain street improvements therein named.

ed by the General Assembly of the State of Ohio:

ON 1. That whenever, in any village of the sec- Certain villages of the second class may issue bonds to complete street improvements.
the improvement of any of the public streets
lage, by paving with brick, has been begun, pur-
esolution and ordinance of the council of such
opted or attempted to be adopted, in accordance
provisions of chapter four, division seven, title
the Revised Statutes of Ohio, and when, pro-
ereunder, a contract has been let and an im-
undertaken, but, before the completion of the
ourt of competent jurisdiction has restrained, or
ain the collection of the assessments, or a part
ttempted or intended to be made for such im-
, upon the property abutting thereon, or a part
nd when such village has not, or shall not have,
ts possession or in anticipation, applicable to the
of such improvement, sufficient for that pur-
when, by reason of failure to complete such
ent, such street or streets has been or shall be-
emain, by reason of excavation, or otherwise, in
tion that travel thereon is, or would be, impeded,
in such case, the village council of such village
uthorized and empowered to borrow, upon the
credit of such village, such sum of money as
cil may deem necessary for the purpose of com-
ch improvement, but in a sum not to exceed one
dollars, and shall be authorized and empowered
herefor, in such sum, the bonds of such village,
enominations as may be determined upon by the
such village, bearing interest at a rate not ex-
x per cent. per annum, interest payable semi-
and payable at a period not exceeding five years
late of issue thereof.

ON 3. Said bonds may have interest coupons at- Disposition thereof.
l shall be signed and sealed as provided in sec-
of the Revised Statutes of Ohio, and shall be
d sold as provided in section 2709 of the Revised
f Ohio, and the proceeds thereof shall be held
rpose of completing such improvement.

ON 4. Whenever the bonds of such village shall Tax levy.
ed, it shall be the duty of the council thereof
tax, not exceeding one mill on the dollar in any
in addition to the amount already allowed by
the taxable property of such village, sufficient to
terest accruing semi-annually on any bonds that
o issued, and to create a sinking fund for the
f the principal thereof as the same shall fall due.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 113G

[Senate Bill No. 216.]

AN ACT

To amend section 1707*d*-32 of the Revised Statutes of Ohio as amended March 11, 1898 (Vol. 93, O. L., page 44).

Be it enacted by the General Assembly of the State of Ohio:

Officers of cities and villages, Dayton:

SECTION 1. That section 1707*d*-32 of the Revised Statutes of Ohio, as amended March 11, 1898 (Vol. 93, O. L., p. 44), be and is hereby amended so as to read as follows:

City solicitor; appointment; bond, salary, duties, etc.

Sec. 1707*d*-32. The city solicitor shall be appointed by and give bond to the satisfaction of the board of city affairs, in the sum of not less than twenty-five hundred dollars, conditioned on the faithful performance of his duties, and he shall receive such salary, payable monthly, as may be provided by order of the board, and in addition thereto a reasonable compensation for his services in each civil action or proceeding in a court of record, to which such city of the second grade of the second class is a party, and upon final order being made or judgment rendered in any such action or proceeding the court shall fix the said compensation therefor, which shall then be payable to such city solicitor from the treasury of such city, provided that the total amount of his salary and compensation aforesaid, shall not exceed four thousand ($4,000.00) dollars, in any period of twelve months, counting from the first day of May of one year to the first day of May of the next year; he shall perform all the duties provided by statute and by ordinance of any such city of the second grade of the second class for the city solicitor, and in addition thereto shall act as the legal advisor of and attorney for the board of city affairs, and all other boards of such city.

Repeals, etc.

SECTION 2. Said section 1707*d*-32 of the Revised Statutes as amended March 11, 1898, and found on page 44 of Vol. 93 of the Ohio Laws, shall be and is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 114G

[Senate Bill No. 226.]

AN ACT

supplement section 2174 of the Revised Statutes.

cted by the General Assembly of the State of Ohio:

TION 1. That section 2174 of the Revised Statutes emented by section 2174-1 as follows: Infirmaries:

2174-1. In all counties containing a city of the ade, first class, if the infirmary directors, after proper investigation in regard to any case brought notice, are satisfied that the person or persons are ndition requiring public relief, and the circum- n the case are such as to render their removal to mary inexpedient, they may render such other re- their judgment is required; and for the purpose ing fraud and imposition and enabling said board igently determine what persons in such city are to public relief; and if there now be in such city a ncorporated under the laws of this state, any part urposes or business of which it is to make, inquire p and furnish written reports of the condition and ances of persons living within such city, entitled to, nding public assistance, or relief, said board of in- directors is hereby authorized and directed to enter tract with such society for making and furnishing board, upon its written requisition, reports of said upon all such persons within said city and county, ng of said board public relief; and for the ser- such society in making such investigations and re- id board is hereby authorized to pay to such society xceed the sum of two hundred dollars ($200.00), th, and the same shall be deemed a part of the le- expenses of said board, and be allowed by the ommissioners and auditor and paid as such. Lucas county may give outside relief.

TION 2. That this act shall take effect and be in m and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

sed April 15, 1902. 115G

[House Bill No. 171.]

AN ACT

amend section 3893 of the Revised Statutes of Ohio.

acted by the General Assembly of the State of Ohio:

TION 1. That section 3893 of the Revised Statutes be amended so as to read as follows: Classification and change of districts:

Transfer of territory from one school district to another.

Sec. 3893. A part or the whole of any district may be transferred to an adjoining district, by the mutual consent of the boards of education having control of such districts; but no transfer shall take effect until a statement, or map, showing the boundaries of the territory transferred, is upon the records of such boards; nor, except when the transfer is for the purpose of forming a joint subdistrict, until a copy of such statement or map, certified by the clerks of the boards making the transfer, is filed with the auditor of the county in which the territory so transferred is situated; and any person living in the territory so transferred may appeal to the county commissioners, as provided in section thirty-nine hundred and sixty-seven, and the commissioners, at their first regular meeting thereafter, shall approve or vacate such transfer; provided, however, that when a village or a portion of a village, township, or special school district has been attached to and become a part of an adjoining city or village by annexation, the portion of such village, township, or special school district thus annexed to such city or village shall be deemed to be thereby transferred from such village school district, township, or special school district into such city or village school district. In all cases where territory is transferred from one school district to another, in any manner whatever, the existing school indebtedness of the district from which the territory is detached shall be ascertained and apportioned by the county commissioners in the same manner as is provided in section sixteen hundred and fifteen of the Revised Statutes of Ohio. Said indebtedness, so apportioned, shall be paid by the board of education of the district to which such territory is attached, to the board of education of the district from which it was detached, from the contingent fund of such first mentioned district or from a special fund to be raised by a tax of not exceeding two mills on each dollar of taxable property in the transferred territory and the board of education of the district to which such territory is attached is hereby authorized to make such levy in excess of that allowed by section thirty-nine hundred and fifty-nine of the Revised Statutes of Ohio and continue such levy from year to year until the amount realized from the same shall equal the indebtedness so apportioned. All moneys and other credits belonging to the district from which such territory is detached shall be apportioned as above provided and paid by the board of education of said district to the board of education of the district to which the territory is attached. A correct plat of the territory transferred shall be filed in the office of the auditor of the county in which such territory is situated, or if it be in more than one county, then such plat shall be filed in each county affected by the transfer; such plat shall also be entered upon the records of each board affected by such transfer. This section shall also apply to cases in which territory has heretofore been transferred.

Apportionment of existing school indebtedness.

Apportionment of moneys and credits.

Plat of territory transferred.

TION 2. Section 3893 of the Revised Statutes of hereby repealed and this act shall take effect and rce on and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

sed April 15, 1902. 116G

[House Bill No. 362.]

AN ACT

amend section 3256 of the Revised Statutes of Ohio.

cted by the General Assembly of the State of Ohio:

TION 1. That section 3256 of the Revised Statutes be amended so as to read as follows: Creation of corporations, etc.:

3256. A corporation may borrow money, not to he amount of its capital stock, authorized by its of incorporation, and issue its notes or coupon or d bonds therefor, bearing any rate of interest au- by law, and may secure the payment of the same tgage upon its real or personal property, or both. Corporation may borrow money on bond and mortgage.

TION 2. That section 3256 of the Revised Statutes be, and the same is hereby repealed. Repeals.

TION 3. This act shall be in force and take effect l after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

sed April 15, 1902. 117G

[House Bill No. 254.]

AN ACT

ment an act entitled "An act authorizing the appointment commission to ascertain and mark the positions occupied Ohio troops in the siege of Vicksburg, Missjssippi, and ake an appropriation to pay the personal expenses of the nission."

EREAS, Under the act of congress, approved Feb- , 1899, establishing the "Vicksburg National Mil- rk," the government has purchased about 1,200 bracing practically all the ground that was occu- ing the siege by the confederate line of defense federal line of investment; and Preamble:

EREAS, The state of Mississippi has ceded to the tates jurisdiction over the said ground; and

WHEREAS, The national commission appointed und
the act of congress referred to, proposes to restore, a
has already, to a large extent restored the said battlefie
of Vicksburg to the condition that it was in at the ti
of the siege, by closing new roads and opening old ar
ones and clearing away new growths of timber; and

WHEREAS, The said National Park, with its two gra
avenues (Confederate and Union), in addition to its nu
erous smaller avenues, and its handsome monuments co
memorative of American valor, will, when completed, be
national interest; and

WHEREAS, Under an act entitled "An act authorizi
the appointment of a commission to ascertain and ma
the positions occupied by Ohio troops in the siege of Vick
burg and to make an appropriation to pay the perso
expenses of the commission," passed by the general asse
bly of Ohio, April 16, 1900, six commissioners were a
pointed to serve without pay, charged with the duty
ascertaining and marking the positions occupied by Oh
troops in the siege of Vicksburg; and

WHEREAS, Said commission, in coöperation with t
national commission, has carefully selected the locatio
for monuments to mark the said positions, and which a
historically accurate as to the regiments, battalions a
batteries engaged; and

WHEREAS, Said commissioners having substantia
completed the preliminary task assigned them by the ge
eral assembly, are now ready to proceed to the exec
tion of the further work contemplated by the act of Ap
16, 1900, to-wit: The erection of monuments and tablets
mark the positions of Ohio troops that were engaged
the siege of Vicksburg, and such other Ohio commands
were on duty on the line of circumvallation under ord
issued by the commanding general; and

WHEREAS, Said commissioners have made an estim
of the sum of money required for the completion of s
work, and said estimate being as follows, to-wit: Mo
ments for twenty-six (26) regiments of infantry engag
costing not to exceed $1,500 each, $39,000; monume
for eleven (11) batteries engaged, costing not to exc
$1,000 each, $11,000; monument for one (1) battalion
cavalry engaged, costing not to exceed $1,000; and trav
ing expenses, stationery and such other items of expense
may occur in making contracts for monuments and mark
and supervising their erection, $2,500; for purchase a
erection of markers the sum of $2,500; and

WHEREAS, It is the judgment of said commission t
for the economical prosecution of the work contemplat
$7,500 should be available and subject to the orders
said commission on and after April 1, 1902, and that $25,0
on and after December 1, 1902, and $26,000 on and af
March 1, 1904, at which latter date, being within about t
years from the present time, it is proposed to have

ents and tablets erected and the work of the practically completed; therefore,

d by the General Assembly of the State of Ohio:

N 1. That in addition to the sum appropriated visions of the aforesaid act, there is hereby ap- out of any funds in the state treasury, to the e general revenue fund, and not otherwise ap- the sum of fifty-six thousand (56,000.00) dol- used as herein provided, warrants for which awn by the auditor of state upon the treasurer on vouchers or estimates properly approved by n four members of said commission. Appropriation for commission to ascertain and mark positions occupied by Ohio troops in siege of Vicksburg.

N 2. Said commission shall keep an accurate ac- disbursements and make a full report thereof to or on or before the 15th day of November of uring the continuance of said trust. Report to governor.

N 3. This act shall take effect and be in force fter its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

April 15, 1902. 118G

[House Bill No. 252.]

AN ACT

nd section 3375a of the Revised Statutes of Ohio.

d by the General Assembly of the State of Ohio:

ON 1. That section 3375a of the Revised Sta- io be amended so as to read as follows: Railroad companies:

3375a. Physicians in the discharge of their pro- uties and sheriffs, and deputy sheriffs, in per- of their official duties, and officers and guards o penitentiary and the Ohio state reformatory, of escaped prisoners or returning them to their institutions, shall be permitted to ride at their and take a prisoner or prisoners upon freight ween stations where such trains stop, paying e regular passenger fare. Riding on freight trains.

ON 2. That said original section 3375a of the tatutes of Ohio be and the same is hereby re- Repeals.

ON 3. This act shall take effect and be in force er its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

d April 15, 1902. 119G

[House Bill No. 149.]

AN ACT

To provide for the cleaning out and keeping in repair of public ditches, drains and water courses, and to repeal an act passed April 13, 1900, entitled "An act to provide for the cleaning out and keeping in repair of public ditches, drains and water courses, and to repeal sections 4496, 4497, 4497*a*, 4498, 4553, 4554, 4555, 4556, 4584–1, 4584–2, 4584–3, 4584–4, 4584–5, 4584–6, 4584–7, 4584–8, 4584–9, 4584–10, 4584–11, 4584–12, and 4584–13 of the Revised Statutes of Ohio."

Be it enacted by the General Assembly of the State of Ohio:

Land owner must keep free of obstructions ditches on his premises.

SECTION 1. That every person or corporation through whose lands any public ditch improvement is constructed, shall be required to keep the same open, free, and clear of all obstructions upon his or its premises, and in case of a failure so to do shall be liable to pay all reasonable and necessary expenses of removing such obstructions; a person or corporation aggrieved by any such obstruction may make a sworn statement of the facts to the county auditor, who shall at once appoint a competent person to examine the premises, and inquire into the truth of the statement, who shall proceed without delay to do the same, and, if he find the statement to be true, he shall immediately notify the owner of the land on which such obstruction exists to remove the same within a reasonable time, not exceeding twenty days; and if the owner so notified fail to remove the obstruction, the person appointed by the auditor to make the examination shall at once cause the same to be removed, at the expense of such owner, and certify such expense to the auditor, who shall place the same, together with all fees and other expenses in the case, on the duplicate, as an assessment upon the lands of such person or corporation, and the same shall be a lien upon such lands, and shall be collected as other taxes.

How person injured by obstructions may accomplish its removal.

Expense of removal to be assessed against land.

Upon application commissioners shall have a hearing as to necessity of causing ditch to be cleaned.

SECTION 2. When any county ditch needs to be cleaned out, any owner of any tract or lot of land which was assessed for its original construction may make an application in writing to the county commissioners setting forth the necessity therefor and there shall be filed with such application a bond payable to the state of Ohio, with one or more sureties thereon, to the satisfaction of said county commissioners, in the sum of one hundred dollars, conditioned for the payment of all costs if the prayer of such applicant be not granted; and upon the approval of such bond the commissioners shall fix a day when they will meet at the beginning point of said ditch, within not less than ten days nor more than twenty days, and enter the same on their journal, and the said petitioner shall then give at least three days' written notice to all persons interested, of the time and place, when and where said county commissioners will meet and hear said application, and they may adjourn the hearing from day to day or to such time as necessity may require.

s 3. Provided, however, that when a ditch cleaned out, any resident owner of any tract ch was assessed for the construction may make ement to the county auditor, in writing, setting ecessity. And when said written sworn state- de within three years from the original con- r for material improvement by deepening ng said ditch, and as often thereafter as essary to keep said ditch in good repair, said tor shall forthwith notify the county surveyor he said ditch, who shall go without unnecessary the line thereof, and make an estimate of the money required therefor and fix the portion the owner of said tract of land and each cor- unty or township assessed for the construction shall be assessed for such cleaning out; and ment shall be made according to the benefits; ecessity for the cleaning out arose from the ct of some landowner or corporation, in which t or neglect shall be considered. Said county all return his estimate and assessment to said riting, who shall appoint a day for hearing the rect said county surveyor to give notice thereof ner of land and corporation affected thereby uditor may make such changes therein as he ght and proper; he shall enter upon a journal or that purpose the assessment as approved by shall place such assessment upon the duplicate land, upon which they are assessed, to be col- ner taxes; the work of cleaning out the ditch ertised, sold and let, and the contracts therefor s provided in this chapter; the contractor shall warrant of the county auditor upon the county t of the assessments so made, and paid upon es of said county surveyor, that he has per- contract; but if at the presentation of any cer- he assessment have not been paid, payments le thereon pro rata.

Procedure, in case applicant is a resident owner.

Assessments shall be according to benefits; exception.

Contract to be let after advertisement.

s 4. On the day named in said order, the missioners shall meet at the time and place in, and determine by actual view of the said e premises along and adjacent thereto, whether h shall be cleaned out; and any person inter- d ditch may at that time file with the said missioners, a petition asking for the tiling of any part of said ditch, and the county com- hall at the same time hear the said petition and he whole or any part thereof tiled and pre- imensions of such tile, and they shall make in writing and enter the same upon their jour- they find that the said ditch does not need l out, then they shall dismiss said application of the applicant and order the county auditor e costs and expenses thereof by suit upon said

Proceedings of commissioners upon hearing provided in section 2.

bond if the same is not paid within twenty days from the date of said order; and if the county commissioners find that said ditch or any part thereof needs to be cleaned out, they shall by an order entered on their journal, appoint the county surveyor to go upon the line of said ditch and furnish him with the original specifications of said ditch, and fix the time when he shall file his report with the county auditor. The examiner, so appointed, shall, after being sworn, examine and reapportion the costs of cleaning the same out according to its original capacity, together with the costs of tiling the same if so ordered by the county commissioners, among all the parties benefited thereby, unless he shall find that the necessity for cleaning out has occurred by the act or neglect of any landowner along the line of said ditch, in which case such an act or neglect shall be considered; and he shall make a report of his proceedings to the county commissioners on or before the day so fixed by them, and on the day so fixed by them, the county commissioners shall meet at their office and hear any and all exceptions filed to said report; and if the county commissioners find that said report is fair and just, they shall approve and confirm the same, and if they find that the same is unfair and unjust, they shall amend the same so as to make the same fair and just, and then approve and confirm the same, and shall, after having approved and confirmed the same, enter the same upon their journal, and the county auditor shall place the same upon the tax duplicate against the lands upon which they were assessed to be collected as other taxes, and said county commissioners shall then order the said surveyor or engineer to proceed to sell the work of cleaning the same out in sections bounded by farm lines, at public auction to the lowest bidder, and said surveyor shall fix the time in which each section shall be completed, and shall take a bond with good and sufficient surety, to be approved by him for the faithful performance of such contract, and when the whole of said work is completed, he shall make a report thereof to the county commissioners, who shall approve of the same, and the contractor shall be paid on the warrant of the county auditor on the county treasurer, out of the assessments so made and paid upon the certificate of such surveyor, that he has performed his contract, but if at the presentation of any certificate, all assessments have not been made, payments shall be made thereon pro rata. Said examiner shall return to the county commissioners an itemized statement of all expenses incurred in the cleaning out of said ditch, including the sum of $4.00 per day for his services, and $1.50 per day for all necessary help.

Duty of township trustees as to cleaning township ditches.

SECTION 5. It shall be the duty of the trustees of each township to examine all township ditches within their respective townships once in every two years as to the necessity of cleaning the same out, and if after such examination they deem it necessary that any such ditch or ditches need cleaning, they shall make an estimate of the amount

l the cost of cleaning out of said ditch or
ıx the portion thereof that the owner or owners
r tract of land, and each corporation assessed
ruction of said ditch or ditches, shall be as-
ch cleaning out, and such assessment shall be
ing to benefits to accrue to each landowner
near as practicable, unless the necessity for
g out arose from the act or neglect of any
corporation, in which case such act or neglect
idered, and the assessment of said landowner
ı proportionately increased.

6. Such trustees shall return their estimate nt, with such facts as they may deem neces- l understanding of the case, to the township ing, within ten days, and shall at the time of report, fix a time for hearing the claim or se interested. The clerk, upon receipt of such cause the same to be entered in full upon the ord, and shall also make an entry of the time hearing, and shall forthwith notify the owner each tract of land or his agent, so far as their y be known to said clerk, of the time and or said hearing, which notice shall also contain printed copy of the estimate of said trustees. fixed for hearing the parties interested in such ning out; the trustees may make such changes ey deem just and equitable. After such hear- re of the opinion that there is no necessity for said ditch, they shall dismiss the application e cost thereof to the applicant, but if they are on that it is necessary to clean out said ditch, all make a final order, which shall be entered ecord, that said ditch be cleaned out, and that mud and other substances that have accumu- , since its original construction, be removed out down to the solid earth, and so that the ave a free and uninterrupted flow, specifying e same shall be cleaned out, and the portion shall clean out, and the amount of the as- on each tract or parcel of land interested in ement, and they shall cause the township clerk notify the owner or owners of each tract of or their agent, or agents, so far as their resi- wn to the clerk, to clean said ditch as ordered, by the trustees, within thirty days, unless for shown, the trustees extend the time; but in dence of the owner or owners of any such tract his agent, is unknown to the clerk, he shall posted up in at least three of the most public e township or townships in which said ditch written or printed notices of the order of the of the time fixed for cleaning out such ditch. and clerk shall be entitled to receive the same eedings for cleaning out ditches as now al-

Hearing before such trustees.

Proceedings after decision.

lowed for similar services in the original construction thereof, to be paid by the party or parties whose act or neglect caused the necessity for such cleaning out, in such proportion as the trustees deem just and equitable, and the collection thereof shall be enforced in the same manner as provided for the collection of costs and assessments in proceedings for the construction of ditches by township trustees.

Duty of trustees upon application by person injured by obstruction of ditch.

SECTION 7. Every person or corporation through whose lands any ditch improvement is constructed, shall be required to keep the same open, free and clear of all obstructions upon his or its premises, and in case of failure so to do, shall be liable to pay all reasonable expenses of removing such obstructions; a person or corporation aggrieved by any such obstruction may make a sworn statement of the facts to the township trustees, who shall at once appoint one of their number to examine the premises, and inquire into the truth of the statement, who shall proceed without delay to do the same, and if he find the statement to be true, he shall immediately notify the owner of the land upon which such obstruction exists to remove the same within a reasonable time, not exceeding twenty days; and if the owner so notified fails to remove the obstruction, the trustee appointed to make the examination shall at once cause the same to be removed at the expense of such owner or owners, and certify such expense to the auditor, who shall place the same, together with all fees and other expenses in the case, on the duplicate, as an assessment upon the lands of such person or corporation, and the same shall be a lien upon such lands, and shall be collected as other taxes.

SECTION 8. Immediately after the expiration of thirty days, or such other time as has been granted or extended to any person for the completion of the work aforesaid, the trustees shall appoint one of their number to examine the ditch and determine whether it has been cleaned out and repaired as directed and ordered by the trustees, and if the ditch has been so cleaned out and repaired the parties interested shall be discharged from further obligation, other than the payment of their portion of the costs and expenses under said application; but if on examination any of the parties who have been notified have not cleaned out and repaired such ditch, or their portion thereof ordered by the trustees and directed in the notice, the trustees shall immediately proceed to sell said cleaning out or repairing of such ditch or portion thereof to the lowest bidder, in the manner provided for selling unfinished sections of ditches; and thereafter the same proceedings shall be had in relation thereto, so far as applicable, provided in section forty-five hundred and forty-seven.

Commissioners may cause any county ditch to be cleaned.

SECTION 9. The county commissioners of any county in this state shall have power to clean out any ditch, drain or water course within their respective counties, if said ditch, drain or water course has been located, established

cted by the county commissioners under the laws

Proceedings by commissioners upon petition by majority of resident land owners.

N 10. Whenever a majority of the resident land se lands are adjacent to and will be taxed for ment contemplated in any such ditch, drain or e, shall sign a petition therefor, setting forth y for the cleaning out of any such ditch, and e same with the county auditor, and shall also in amount and with sureties to the acceptance ty auditor conditioned to pay all costs and ex- ed by the hearing of said petition in case the eof shall not be granted; the county commis- proceed, at their first regular or called session ing of said petition and bond, to hear and de- question of granting the prayer of the peti- if in their opinion the improvement prayed for they shall so find and enter their findings upon of their proceedings, and if said county com- shall find that the improvement prayed for is ed by and will not be conducive of the public renience and welfare, they shall not take any rther action in the matter, and shall enter an their journal requiring the bondsmen to pay said hearing.

Levy of tax for ditch cleaning.

N 11. Whenever the county commissioners the prayer of the petitioners, they shall at the proceed to levy on each acre of land drained icular ditch, drain or water course on which ment is prayed for in the petition, without re- valuation thereof, but according to the benefits d from said improvements, a tax which in the vill be sufficient to pay for such improvement t connected therewith, and such commissioners ear thereafter, unless petitioned by a majority ons whose lands are taxed for that purpose to x for such year, proceed to levy a like tax upon of such amount as may be necessary to clean tch and pay the cost and expenses accruing act, and the amount of money collected from all constitute a separate fund for each separate vement herein provided for, and shall be ex- for the purposes and in the manner herein

Commissioners may appoint supervisor.

N 12. Whenever the county commissioners shall provement prayed for in any case is demanded be conducive to the public health, convenience , as in the manner hereinbefore provided, they t one of the tax payers for said improvement to visor for said ditch, drain or water course.

Bond.

N 13. Before entering upon his said duties, the hall give bond in such sum with such sureties required and approved by the county commis- l conditioned for the faithful performance of

his duties, and that he will faithfully and honestly keep and pay over all moneys that he may receive in his office of supervisor of said ditch.

Duty of supervisor.

SECTION 14. It shall be the duty of said supervisor to let the work of cleaning out said ditch to the lowest responsible bidder, in sections of not exceeding one mile in length, and take a bond for the faithful completion of the work, and the work shall not be so let again by the supervisor, and he shall have power, whenever in his opinion the same is necessary, to enter upon any section of the work so let, when the same is not completed according to the contract, or the work is not proceeding satisfactorily, with men and teams and complete the same, and charge the expense of the same to the said contractor, which amount shall be deducted from the contract price and placed to the credit of the supervisor, and he shall likewise have power to enter upon any improved or unimproved lands drained by said ditch improvements at any time, for the purposes of this act, provided, that said supervisors shall give notice, written or printed, to land owners who are resident, or whose address is known, at least six weeks before, that he intends, at such a time to clean out said ditch; he shall also at the same time give like notice to all nonresident land owners whose address is not known, by publication in a newspaper of general circulation in the county for two consecutive weeks. Said supervisor shall go over said ditch improvement at least once in the spring of the year, for the purpose of determining upon actual view the condition of the ditch, and shall on sight or information at any other time of year, remove, or cause to be removed, all driftwood, fallen timber, rails, crossings, water-gaps or other obstructions, which he may find in or upon said ditch, and which, in his opinion, does or may obstruct the free flow of water in said ditch, and the last above named improvement shall be made by said supervisor, without notice to land owners, heretofore provided for, and all such obstructions so found in or upon said ditch, which the supervisor shall find were placed in or upon said ditch by the land owners upon whose lands said obstructions may be found, shall be removed by said supervisor at the expense of said land owners, and all obstructions found in said ditch, except those arising from the deposit of earth, sand and gravel, and the growth of grass and weeds and brush, and flood-wood, naturally, and without artificial obstructions to cause the same, shall be deemed and held to be placed there by the act of the owner of the land, and said land owner shall also be held for all acts and omissions of his tenants, pertaining to said ditch.

Accounts of supervisor.

SECTION 15. Said supervisor shall keep a separate and exact account with each separate land owner along the line of his ditch whose lands are taxed as herein provided, and shall enter therein to each of said land owners the sum expended by him in removing the obstructions hereinbefore mentioned, and shall present to each of said

s a true account of the sums so expended and
ment thereof, and if payment is not made within
said supervisor shall report the same to the
tor, who shall place the same upon the duplicate
as other taxes.

N 16. All moneys that may come into the hands **Disposition of moneys.**
ervisor from collections by suit or otherwise,
him paid over to the county treasurer to the
e separate fund of the ditch of which he is the
pervisor, and no moneys shall be paid out of
xcept upon an account approved by said super-
on an order of the county commissioners, drawn
the person or persons to whom the same is
e due, and upon the fund of the specified ditch.
sury.

N 17. The said ditch supervisor shall annually **Report to commissioners.**
ne county commissioners his doings, including
y him on ditches as herein provided, and moneys
him by suit or otherwise, and the condition
, and the number of acres of land drained by
nd the necessity for any other or further im-
thereon, and said report shall be made by said
at the first regular meeting of the county com-
in January of each year; and it shall be the
e county commissioners, at their first regular
January, April, July and October of each year,
complaint in writing filed with the county au-
igned by three land owners taxed for the ditch,
supervisor, and to remove any supervisor for
ause and appoint another.

N 18. It shall be the duty of the county com- **Compensation**
to allow to the said supervisor one dollar and
per day for the time actually employed in su-
aid improvement, but before any order shall be
e said supervisor shall file an itemized account
e amount and nature of the work done by him
parts of days, and it shall be the duty of the
missioners to reject any account or any item of
so filed if the charge be shown to be excessive.

N 19. Whenever any head-gates of any water **Repair of head-gates of water power.**
race, or water privilege, owned, operated, con-
eased by any person, partnership, or corporation,
ne, or may become, so damaged by floods or
that the same become inoperative for the pur-
nich they were intended, and such person, part-
corporation, fails to repair or replace the same
days after the request of any person owning,
or occupying lands adjacent to such water
race, or water privilege, such person may file
ounty auditor a petition setting forth the fact
ead-gates have been injured or destroyed, and
ne inoperative for the purpose for which they
led and praying that the same may be replaced;

and shall also file with the auditor a good and suffic bond, with sureties, in such sum as said auditor shall but in no case to be less than one hundred dollars, pay to the state, conditioned to pay all costs and expenses curred, provided the prayer of said petition be not gran and thereupon the auditor shall cause a meeting of the bo of county commissioners at their office at a date to be fi by him not more than one week later than the date of filing of said bond; and the auditor shall forthwith notif writ, issued to the sheriff and by him to be served on person, partnership, or corporation, owning, operating controlling such water power, mill race, or water privil setting forth the substance and prayer of said petition the time and place the same is to be heard, which writ shall be served within three days from its date. U the day fixed for the hearing of said petition, the cou commissioners shall hear and determine the same, unl for good cause shown, the hearing shall be adjourned, they may, if they deem it necessary call to their ass ance the county surveyor or other competent engineer, view the premises referred to in the petition, and, if a hearing said petition, said county commissioners are of opinion that the maintenance of such head-gates is nec sary for the better protection of the lands owned, occup or controlled by the petitioner, they shall order and requ the person, partnership, or corporation, owning, leasing, controlling such water power, mill race, or water privile to proceed within ten days to repair or replace said he gates, so as to make the same operative for the purpose which they were intended. And if such person fail to do within the time specified, then the county comm sioners shall proceed to have the same done in accorda with the plans and specifications furnished by the engin or county surveyor after advertising the letting thereof ten days, and sell the same to the lowest bidder.

Repeals, etc.

SECTION 20. The aforesaid act passed April 1 1900, be and the same is hereby repealed, and this act sh take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sena

Passed April 15, 1902. 120G

[Senate Bill No. 10.]

AN ACT

To establish a law uniform with the laws of other states on neg tiable instruments.

Be it enacted by the General Assembly of the State of Ohi

Negotiable instruments:

SECTION 1. That sections 3171, 3172, 3173 and 317 and sections 3175, 3176 and 3177, as amended March 1

1896 (92 O. L., 61-62), and section 3178 of the Revised Statutes of Ohio, be amended and supplemented with the following sectional numbers as chapter two (2) of division two (2) of title one (1) of part second of the Revised Statutes of Ohio, under the following subdivisions and re-subdivisions, so as to read as follows: Negotiable instruments:

CHAPTER II.

Negotiable Instruments.

SUBDIVISION 1.

Negotiable Instruments in General.

RE-SUBDIVISION 1.

Form and Interpretation.

Sec. 3171. Form of negotiable instrument.
Sec. 3171*a*. Certainty as to sum; what constitutes.
Sec. 3171*b*. When promise is unconditional.
Sec. 3171*c*. Determinable future time; what constitutes.
Sec. 3171*d*. Additional provisions not affecting negotiability.
Sec. 3171*e*. Omissions; seal; particular money.
Sec. 3171*f*. When payable on demand.
Sec. 3171*g*. When payable to order.
Sec. 3171*h*. When payable to bearer.
Sec. 3171*i*. Terms when sufficient.
Sec. 3171*j*. Date; presumption as to.
Sec. 3171*k*. Antedated and postdated.
Sec. 3171*l*. When date may be inserted.
Sec. 3171*m*. Blanks; when may be filled.
Sec. 3171*n*. Incomplete instrument not delivered.
Sec. 3171*o*. Delivery; when effectual; when presumed.
Sec. 3171*p*. Construction where instrument is ambiguous.
Sec. 3171*q*. Liability of persons signing in trade or assumed name.
Sec. 3171*r*. Signature by agent; authority; how shown.
Sec. 3171*s*. Liability of person signing as agent, etc.
Sec. 3171*t*. Signature by procuration; effect of.
Sec. 3171*u*. Effect of indorsement by infant or corporation.
Sec. 3171*v*. Forged signature; effect of.

RE-SUBDIVISION 2.

Consideration.

Sec. 3171*w*. Presumption of consideration.
Sec. 3171*x*. Consideration; what constitutes.
Sec. 3171*y*. What constitutes holder for value.

Negotiable instruments:

Sec. 3171*z*. When lien on instrument constitutes holder for value.
Sec. 3172. Effect of want of consideration.
Sec. 3172*a*. Liability of accommodation party.

RE-SUBDIVISION 3.

Negotiation.

Sec. 3172*b*. What constitutes negotiation.
Sec. 3172*c*. Indorsement; how made.
Sec. 3172*d*. Indorsement must be of entire instrument.
Sec. 3172*e*. Kinds of indorsement.
Sec. 3172*f*. Special indorsement; indorsement in blank.
Sec. 3172*g*. Blank indorsement; how changed to special indorsement.
Sec. 3172*h*. When indorsement restrictive.
Sec. 3172*i*. Effect of restrictive indorsement; rights of indorsee.
Sec. 3172*j*. Qualified indorsement.
Sec. 3172*k*. Conditional indorsement.
Sec. 3172*l*. Indorsement of instrument payable to bearer.
Sec. 3172*m*. Indorsement where payable to two or more persons.
Sec. 3172*n*. Effect of instrument drawn or indorsed to a person as cashier.
Sec. 3172*o*. Indorsement where name is misspelled, et cetera.
Sec. 3172*p*. Indorsement in representative capacity.
Sec. 3172*q*. Time of indorsement; presumption.
Sec. 3172*r*. Place of indorsement; presumption.
Sec. 3172*s*. Continuation of negotiable character.
Sec. 3172*t*. Striking out indorsement.
Sec. 3172*u*. Transfer without indorsement; effect of.
Sec. 3172*v*. When prior party may negotiate instrument.

RE-SUBDIVISION 4.

Rights of Holder.

Sec. 3172*w*. Right of holder to sue; payment.
Sec. 3172*x*. What constitutes a holder in due course.
Sec. 3172*y*. When person not deemed holder in due course.
Sec. 3172*z*. Notice before full amount paid.
Sec. 3173. When title defective.
Sec. 3173*a*. What constitutes notice of defect.
Sec. 3173*b*. Rights of holder in due course.
Sec. 3173*c*. When subject to original defenses.
Sec. 3173*d*. Who deemed holder in due course.

RE-SUBDIVISION 5.

Liabilities of Parties.

Sec. 3173*e*. Liability of maker.
Sec. 3173*f*. Liability of drawer.
Sec. 3173*g*. Liability of acceptor.
Sec. 3173*h*. When person deemed indorser.
Sec. 3173*i*. Liability of irregular indorser.
Sec. 3173*j*. Warranty where negotiation by delivery; et cetera.
Sec. 3173*k*. Liability of general indorser.
Sec. 3173*l*. Liability of indorser where paper negotiable by delivery.
Sec. 3173*m*. Order in which indorsers are liable.
Sec. 3173*n*. Liability of an agent or broker.

RE-SUBDIVISION 6.

Presentation for Payment.

Sec. 3173*o*. Effect of want of demand on principal debtor.
Sec. 3173*p*. Presentment where instrument is not payable on demand and where payable on demand.
Sec. 3173*q*. What constitutes a sufficient presentment.
Sec. 3173*r*. Place of presentment.
Sec. 3173*s*. Instrument must be exhibited.
Sec. 3173*t*. Presentment where instrument payable at bank.
Sec. 3173*u*. Presentment where principal debtor is dead.
Sec. 3173*v*. Presentment to persons liable as partners.
Sec. 3173*w*. Presentment to joint debtors.
Sec. 3173*x*. When presentment not required to charge the drawer.
Sec. 3173*y*. When presentment not required to charge the indorser.
Sec. 3173*z*. When delay in making presentment is excused.
Sec. 3174. When presentment may be dispensed with.
Sec. 3174*a*. When instrument dishonored by non-payment.
Sec. 3174*b*. Liability of person secondarily liable, when instrument dishonored.
Sec. 3174*c*. Time of maturity.
Sec. 3174*d*. Time; how computed.
Sec. 3174*e*. Rule where instrument payable at bank.
Sec. 3174*f*. What constitutes payment in due course.

RE-SUBDIVISION 7.

Notice of Dishonor.

Sec. 3174*g*. To whom notice of dishonor must be given.
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Sec. 3174*i*. Notice given by agent.
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Sec. 3176*p*. In what cases protest necessary.
Sec. 3176*q*. Protest; how made.
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RE-SUBDIVISION 6.

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Sec. 3177*h*. Who may make payment for honor.
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Bills in a Set.

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SUBDIVISION 3.

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Sec. 3177*w*. Within what time a check must be presented. Negotiable instruments:
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SUBDIVISION 1.

Negotiable Instruments in General.

RE-SUBDIVISION 1.

Form and Interpretation.

Sec. 3171. [Form of negotiable instrument.] An instrument to be negotiable must conform to the following requirements: Form of negotiable instrument.

1. It must be in writing and signed by the maker or drawer;

2. Must contain an unconditional promise or order to pay a sum certain in money;

3. Must be payable on demand, or at a fixed or determinable future time;

4. Must be payable to order or to bearer; and

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

Sec. 3171*a*. [Certainty as to sum; what constitutes.] The sum payable is a sum certain within the meaning of this chapter although it is to be paid: Certainty as to sum; what constitutes.

1. With interest; or,

2. By stated installments; or

3. By stated installments with a provision that up default in payment of any installment or of interest, whole shall become due; or

4. With exchange, whether at a fixed rate or at current rate; or

5. With costs of collection or an attorney's fee, in c payment shall not be made at maturity.

When promise is unconditional.

Sec. 3171*b*. [When promise is unconditional.] unqualified order or promise to pay is unconditional wit the meaning of this chapter, though coupled with:

1. An indication of a particular fund out of wh reimbursement is to be made, or a particular account to debited with the amount; or

2. A statement of the transaction which gives rise the instrument.

But an order or promise to pay out of a particular fu is not unconditional.

Determinable future time; what constitutes.

Sec. 3171*c*. [Determinable future time; what cons tutes.] An instrument is payable at a determinable futu time within the meaning of this chapter, which is expres to be payable:

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future ti specified therein; or

3. On or at a fixed period after the occurrence o specified event, which is certain to happen, though the ti of happening be uncertain.

An instrument payable upon a contingency is not gotiable, and the happening of the event does not cure defect.

Additional provisions not affecting negotiability.

Sec. 3171*d*. [Additional provisions not affecting gotiability.] An instrument which contains an order promise to do any act in addition to the payment of mon is not negotiable. But the negotiable character of an strument otherwise negotiable is not affected by a provisi which:

1. Authorizes the sale of collateral securities in c the instrument be not paid at maturity; or

2. Authorizes a confession of judgment if the inst ment be not paid at maturity; or

3. Waives the benefit of any law intended for the a vantage or protection of the obligor; or

4. Gives the holder an election to require somethi to be done in lieu of payment of money.

But nothing in this section shall validate any provisi or stipulation otherwise illegal.

Omissions; seal; particular money.

Sec. 3171*e*. [Omissions; seal; particular mone The validity and negotiable character of an instrument a not affected by the fact that:

1. It is not dated; or

2. Does not specify the value given, or that any val has been given therefor; or

3. Does not specify the place where it is drawn or t place where it is payable; or

4. Bears a seal; or

5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

When payable on demand.

Sec. 3171*f*. [When payable on demand.] An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or

2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

When payable to order.

Sec. 3171*g*. [When payable to order.] The instrument is payable to order where it is drawn payable to the order of a specified person or to him or to his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

When payable to bearer.

Sec. 3171*h*. [When payable to bearer.] The instrument is payable to bearer:

1. When it is expressed to be so payable; or

2. When it is payable to a person named therein or bearer; or

3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or

4. When the name of the payee does not purport to be the name of any person; or

5. When the only or last indorsement is an indorsement in blank.

Terms when sufficient.

Sec. 3171*i*. [Terms when sufficient.] The instrument need not follow the language of this chapter, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Date; presumption as to.

Sec. 3171*j*. [Date; presumption as to.] Where the instrument or an acceptance or any endorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement as the case may be.

Antedated and postdated.

Sec. 3171*k*. [Antedated and postdated.] The instrument is not invalid for the reason only that it is antedated or postdated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument

so dated is delivered acquires the title thereto as of the
of delivery.

When date may be inserted.

Sec. 3171*l*. [When date may be inserted.] Wh
an instrument expressed to be payable at a fixed period a
date is issued undated, or where the acceptance of an inst
ment payable at a fixed period after sight is undated,
holder may insert therein the true date of issue or acc
ance and the instrument shall be payable accordingly.
insertion of a wrong date does not avoid the instrument
the hands of a subsequent holder in due course; but as
him, the date so inserted is to be regarded as the true d

Blanks; when may be filled.

Sec. 3171*m*. [Blanks; when may be filled.] Wh
the instrument is wanting in any material particular,
person in possession thereof has a prima facie authority
complete it by filling up the blanks therein. And a sig
ture on a blank paper delivered by the person making
signature in order that the paper may be converted int
negotiable instrument operates as a prima facie autho
to fill it up as such for any amount. In order, howe
that any such instrument when completed may be enfor
against any person who became a party thereto prior to
completion, it must be filled up strictly in accordance w
the authority given and within a reasonable time. Bu
any such instrument after completion is negotiated t
holder in due course, it is valid and effectual for all p
poses in his hands, and he may enforce it as if it had b
filled up strictly in accordance with the authority given
within a reasonable time.

Incomplete instrument not delivered.

Sec. 3171*n*. [Incomplete instrument not delivere
Where an incomplete instrument has not been delivere
will not, if completed and negotiated, without author
be a valid contract in the hands of any holder, as aga
any person whose signature was placed thereon before
livery.

Delivery; when effectual; when presumed.

Sec. 3171*o*. [Delivery; when effectual; when p
sumed.] Every contract on a negotiable instrument is
complete and revocable until delivery of the instrument
the purpose of giving effect thereto. As between im
diate parties, and as regards a remote party, other tha
holder in due course, the delivery, in order to be effect
must be made either by or under the authority of the pa
making, drawing, accepting or endorsing, as the case
be; and in such case the delivery may be shown to h
been conditional, or for a special purpose only, and not
the purpose of transferring the property in the instrum
But where the instrument is in the hands of a holder in
course, a valid delivery thereof by all parties prior to
so as to make them liable to him is conclusively presum
And where the instrument is no longer in the possess
of a party whose signature appears thereon, a valid
intentional delivery by him is presumed until the contr
is proved.

Sec. 3171*p*. [Construction where instrument is ambiguous.] Where the language of the instrument is ambiguous or there are omissions therein, the following rules of construction apply: Construction where instrument is ambiguous.

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount.

2. Where the instrument provides for the payment of interest without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Sec. 3171*q*. [Liability of persons signing in trade or assumed name.] No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name. Liability of persons signing in trade or assumed name.

Sec. 3171*r*. [Signature by agent; authority, how shown.] The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose, and the authority of the agent may be established as in other cases of agency. Signature by agent; authority, how shown.

Sec. 3171*s*. [Liability of persons signing as agent, etc.] Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character without disclosing his principal does not exempt him from personal liability. Liability of persons signing as agent, etc.

Sec. 3171*t*. [Signature by procuration; effect of.] A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority. Signature by procuration; effect of.

Effect of indorsement by infant or corporation.

Sec. 3171*u*. [Effect of indorsement by infant or corporation.] The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Forged signature; effect of.

Sec. 3171*v*. [Forged signature; effect of.] Where a signature is forged or made without authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

RE-SUBDIVISION 2.

Consideration.

Presumption of consideration.

Sec. 3171*w*. [Presumption of consideration.] Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

Consideration; what constitutes.

Section 3171.*r*. [Consideration; what constitutes.] Value is any consideration sufficient to support a simple contract. An antecedent or preëxisting debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

What constitutes holder for value.

Sec. 3171*y*. [What constitutes holder for value.] Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

When lien on instrument constitutes holder for value.

Sec. 3171*z*. [When lien on instrument constitutes holder for value.] Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Effect of want of consideration.

Sec. 3172. [Effect of want of consideration.] Absence or failure of consideration is matter of defense as against any person not a holder in due course and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Liability of accommodation party.

Sec. 3172*a*. [Liability of accommodation party.] An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

RE-SUBDIVISION 3.

Negotiation.

What constitutes negotiation.

Sec. 3172*b*. [What constitutes negotiation.] An instrument is negotiated when it is transferred from one per-

son to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery. If payable to order it is negotiated by the indorsement of the holder completed by delivery.

Indorsement; how made.

Sec. 3172*c*. [Indorsement; how made.] The indorsement must be written on the instrument itself, or upon a paper attached thereto. The signature of the indorser without additional words is a sufficient indorsement.

Indorsement must be of entire instrument.

Sec. 3172*d*. [Indorsement must be of entire instrument.] The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

Kinds of indorsement.

Sec. 3172*e*. [Kinds of indorsement.] An indorsement may be either special or in blank; and it may also be either restrictive or qualified or conditional.

Special indorsement; endorsement in blank.

Sec. 3172*f*. [Special indorsement; indorsement in blank.] A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

Blank indorsement; how changed to special indorsement.

Sec. 3172*g*. [Blank indorsement; how changed to special indorsement.] The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

When indorsement restrictive.

Sec. 3172*h*. [When indorsement restrictive.] An indorsement is restrictive which either:

1. Prohibits the further negotiation of the instrument; or

2. Constitutes the indorsee the agent of the indorser; or

3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Effect of restricting indorsement; rights of indorsee.

Sec. 3172*i*. [Effect of restricting indorsement; rights of indorsee.] A restrictive indorsement confers upon the indorsee the right

1. To receive payment of the instrument.

2. To bring any action thereon that the indorser could bring.

3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified indorsement.

Sec. 3172*j*. [Qualified indorsement.] A qualified indorsement constitutes the indorser a mere assignor of the

title to the instrument. It may be made by adding to indorser's signature the words "without recourse," or words of similar import. Such an indorsement does impair the negotiable character of the instrument.

Conditional indorsement.

Sec. 3172*k*. [Conditional indorsement.] Where indorsement is conditional a party required to pay the inst ment may disregard the condition and make payment to indorsee or his transferee, whether the condition has b fulfilled or not. But any person to whom an instrument indorsed is negotiated, will hold the same, or the proce thereof, subject to the rights of the person indorsing c ditionally.

Indorsement of instrument payable to bearer.

Sec. 3172*l*. [Indorsement of instrument payable bearer.] Where an instrument payable to bearer is indor specially, it may nevertheless be further negotiated by livery, but the person indorsing specially is liable as indor to only such holders as make title through his indorseme

Indorsement when payable to two or more persons.

Sec. 3172*m*. [Indorsement where payable to two more persons.] Where an instrument is payable to order of two or more payees, or indorsees who are not pa ners, all must indorse, unless the one indorsing has auth ity to indorse for the others.

Effect of instrument drawn or indorsed to a person as cashier.

Sec. 3172*n*. [Effect of instrument drawn or indors to a person as cashier.] Where an instrument is drawn indorsed to a person as "cashier" or other fiscal officer o bank or corporation, it is deemed prima facie to be paya to the bank or corporation of which he is such officer; a may be negotiated by either the indorsement of the bank corporation or the indorsement of the officer.

Indorsement where name is misspelled, etc.

Sec. 3172*o*. [Indorsement where name is misspell et cetera.] Where the name of a payee or endorsee wrongly designated or misspelled, he may indorse the instr ment as therein described, adding, if he think fit, his prop signature.

Indorsement in representative capacity.

Sec. 3172*p*. [Indorsement in representative capacity Where any person is under obligation to indorse in a rep sentative capacity, he may indorse in such terms as to neg tive personal liability.

Time of indorsement; presumption.

Sec. 3172*q*. [Time of indorsement; presumption Except where an indorsement bears date after the maturi of the instrument, every negotiation is deemed prima fa to have been effected before the instrument was overdue.

Place of indorsement, presumption.

Sec. 3172*r*. [Place of indorsement; presumption Except where the contrary appears every indorsement presumed prima facie to have been made at the place whe the instrument is dated.

Continuation of negotiable character.

Sec. 3172*s*. [Continuation of negotiable character An instrument negotiable in its origin continues to be neg tiable until it has been restrictively indorsed or discharg by payment or otherwise.

Striking out indorsement.

Sec. 3172*t*. [Striking out indorsement.] The hold may at any time strike out any indorsement which is n

necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Transfer without endorsement; effect of.

Sec. 3172*u*. [Transfer without endorsement; effect of.] Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferrer had therein and the transferee acquires in addition the right to have the indorsement of the transferrer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

When prior party may negotiate instrument.

Sec. 3172*v*. [When prior party may negotiate instrument.] Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this chapter, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

Re-subdivision 4.

Rights of the Holder.

Rights of holder to sue; payment.

Sec. 3172*w*. [Rights of holder to sue; payment.] The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

What constitutes a holder in due course.

Sec. 3172*x*. [What constitutes a holder in due course.] A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face.
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact.
3. That he took it in good faith and for value.
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

When person not deemed holder in due course.

Sec. 3172*y*. [When person not deemed holder in due course.] Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

Sec. 3172*z*. [Notice before full amount paid.] Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

When title defective.

Sec. 3173. [When title defective.] The title of a person who negotiates an instrument is defective within the meaning of this chapter when he obtained the instrument, or any signature thereto, by fraud, duress, or force and

fear, or other unlawful means, or for an illegal c
ation, or when he negotiates it in breach of faith, c
such circumstances as amount to a fraud.

What constitutes notice of defect.

Sec. 3173*a*. [What constitutes notice of defe
constitute notice of an infirmity in the instrument o
in the title of the person negotiating the same, the
to whom it is negotiated must have had actual kn
of the infirmity or defect, or knowledge of such fa
his action in taking the instrument amounted to bad

Rights of holder in due course.

Sec. 3173*b*. [Rights of holder in due cour
holder in due course holds the instrument free fr
defect of title of prior parties, and free from defens
able to prior parties, among themselves, and may
payment of the instrument for the full amount
against all parties liable thereon.

When subject to original defenses.

Sec. 3173*c*. [When subject to original defens
the hands of any holder other than a holder in due
a negotiable instrument is subject to the same def
if it were non-negotiable. But a holder who der
title through a holder in due course, and who is r
self a party to any fraud or illegality affecting the
ment, has all the rights of such former holder in re
all parties prior to the latter.

Who deemed holder in due course.

Sec. 3173*d*. [Who deemed holder in due
Every holder is deemed prima facie to be a holder
course; but when it is shown that the title of any
who has negotiated the instrument was defective,
den is on the holder to prove that he or some perso
whom he claims acquired the title as a holder in due
But the last mentioned rule does not apply in fav
party who became bound on the instrument prior
acquisition of such defective title.

Re-subdivision 5.

Liabilities of Parties.

Liability of maker.

Sec. 3173*e*. [Liability of maker.] The mak
negotiable instrument by making it engages that he
it according to its tenor, and admits the existence
payee and his then capacity to indorse.

Liability of drawer.

Sec. 3173*f*. [Liability of drawer.] The dra
drawing the instrument admits the existence of th
and his then capacity to indorse; and engages that
presentment the instrument will be accepted and
both, according to its tenor, and that if it be dish
and the necessary proceedings on dishonor be dul
he will pay the amount thereof to the holder, or to a
sequent indorser who may be compelled to pay it.
drawer may insert in the instrument an express sti
negativing or limiting his own liability to the holde

Liability of acceptor.

Sec. 3173*g*. [Liability of acceptor.] The acc
accepting the instrument engages that he will pay it
ing to the tenor of his acceptance and admits:

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument, and,

2. The existence of the payee and his then capacity to indorse.

When person deemed indorser.

Sec. 3173*h*. [When person deemed indorser.] A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Liability of irregular indorser.

Sec. 3173*i*. [Liability of irregular indorser.] Where a person not otherwise a party to an instrument places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Warranty where negotiation by delivery, etc.

Sec. 3173*j*. [Warranty where negotiation by delivery, etc.] Every person negotiating an instrument by delivery or by a qualified indorsement warrants:

1. That the instrument is genuine and in all respects what it purports to be.

2. That he has a good title to it.

3. That all prior parties had capacity to contract.

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of paragraph numbered three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Liability of general indorser.

Sec. 3173*k*. [Liability of general indorser.] Every indorser who indorses without qualification, warrants, to all subsequent holders in due course:

1. The matters and things mentioned in paragraphs numbered one, two and three of the next preceding section; and

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Liability of indorser where paper negotiable by delivery.

Sec. 3173*l*. [Liability of indorser where paper negotiable by delivery.] Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Order in which indorsers are liable.

Sec. 3173*m*. [Order in which indorsers are liable.] As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsers who indorse are deemed to indorse jointly and severally.

Liability of agent or broker.

Sec. 3173*n*. [Liability of an agent or broker.] Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section thirty-one hundred and seventy-three *j* (3173*j*) of this chapter, unless he discloses the name of his principal, and the fact that he is acting only as agent.

Re-subdivision 6.

Presentment for Payment.

Effect of want of demand on principal debtor.

Sec. 3173*o*. [Effect of want of demand on principal debtor.] Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place and he is able and willing to pay it there at maturity, and has funds there available for that purpose, such ability and willingness are equivalent to a tender of payment on his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Presentment where instrument is not payable on demand and where payable on demand.

Sec. 3173*p*. [Presentment where instrument is not payable on demand and where payable on demand.] When the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

What constitutes a sufficient presentment.

Sec. 3173*q*. [What constitutes a sufficient presentment.] Presentment for payment, to be sufficient, must be made:

1. By the holder or by some person authorized to receive payment on his behalf.
2. At a reasonable hour on a business day.
3. At a proper place as herein defined.
4. To the person primarily liable on the instrument or if he is absent or inaccessible, to any person found at the place where the presentment is made.

Place of presentment.

Sec. 3173*r*. [Place of presentment.] Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented.
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented.
3. Where no place of payment is specified ... address is given and the instrument is presented at the usu

lace of business or residence of the person to make payent.

4. In any other case if presented to the person to ake payment wherever he can be found, or if presented his last known place of business or residence.

Instrument must be exhibited.

Sec. 3173*s*. [Instrument must be exhibited.] The instrument must be exhibited to the person from whom payent is demanded, and when it is paid must be delivered to the party paying it.

Presentment where instrument payable at bank.

Sec. 3173*t*. [Presentment where instrument payable bank.] Where the instrument is payable at a bank, presentment for payment must be made during banking hours, less the person to make payment has no funds there to et it at any time during the day, in which case presentnt at any hour before the bank is closed on that day is ficient.

Presentment where principal debtor is is dead.

Sec. 3173*u*. [Presentment where principal debtor is d.] Where the person primarily liable on the instrut is dead, and no place of payment is specified, present for payment must be made to his personal represene, if such there be, and if with the exercise of reasondiligence, he can be found.

Presentment to persons liable as partners.

Sec. 3173*v*. [Presentment to persons liable as part-] Where the persons primarily liable on the instru- are liable as partners, and no place of payment is speci- presentment for payment may be made to any one of , even though there has been a dissolution of the firm.

Presentment to joint debtors.

Sec. 3173*w*. [Presentment to joint debtors.] Where are several persons, not partners, primarily liable, on strument, and no place of payment is specified, preent must be made to them all.

When presentment not required to charge the drawer.

ec. 3173*x*. [When presentment not required to e the drawer.] Presentment for payment is not re- l in order to charge the drawer where he has no right pect or require that the drawee or acceptor will pay strument.

When presentment not required to charge the indorser.

ec. 3173*y*. [When presentment not required to the indorser.] Presentment for payment is not re- in order to charge an indorser where the instrument ade or accepted for his accommodation, and he has son to expect that the instrument will be paid if pre-

When delay in making presentment is excused.

c. 3173*z*. [When delay in making presentment is d.] Delay in making presentment for payment is when the delay is caused by circumstances beyond trol of the holder, and not imputable to his default, duct or negligence. When the cause of delay ceases ate, presentment must be made with reasonable dili-

When presentment may be dispensed with.

3174. [When presentment may be dispensed Presentment for payment is dispensed with: Where, after the exercise of reasonable diligence, ent as required by this chapter cannot be made.

2. Where the drawee is a fictitious person;

3. By waiver of presentment, express or implie

When instrument dishonored by nonpayment.

Sec. 3174*a*. [When instrument dishonored by payment.] The instrument is dishonored by nonpay when:

1. It is duly presented for payment and payme refused or cannot be obtained; or,

2. Presentment is excused and the instrument is due and unpaid.

Liability of person secondarily liable, when instrument dishonored.

Sec. 3174*b*. [Liability of person secondarily l when instrument dishonored.] Subject to the provi of this chapter, when the instrument is dishonored by payment, an immediate right of recourse to all parties ondarily liable thereon accrues to the holder.

Time of maturity.

Sec. 3174*c*. [Time of maturity.] Every negotiab strument is payable at the time fixed therein without g When the day of maturity falls upon Sunday, or a hol the instrument is payable on the next succeeding bus day. Instruments falling due on Saturday are to be sented for payment on the next succeeding business except that instruments payable on demand may, a option of the holder, be presented for payment before t o'clock noon on Saturday when that entire day is holiday.

Time; how computed.

Sec. 3174*d*. [Time; how computed.] Where th strument is payable at a fixed period after date, after s or after the happening of a specified event, the time of ment is determined by excluding the day from whic time is to begin to run, and by including the date of ment.

Rule where instrument payable at bank.

Sec. 3174*e*. [Rule where instrument payable at b Where the instrument is made payable at a bank, it is eq lent to an order to the bank to pay the same for the acc of the principal debtor thereon.

What constitutes payment in due course.

Sec. 3174*f*. [What constitutes payment in due cou Payment is made in due course when it is made at or the maturity of the instrument to the holder thereof in faith and without notice that his title is defective.

Re-subdivision 7.

Notice of Dishonor.

To whom notice of dishonor must be given.

Sec. 3174*g*. [To whom notice of dishonor mus given.] Except as herein otherwise provided, when a n tiable instrument has been dishonored by nonaccept or nonpayment, notice of dishonor must be given to drawer and to each indorser, and any drawer or ind to whom such notice is not given is discharged.

By whom given.

Sec. 3174*h*. [By whom given.] The notice ma given by or on behalf of the holder, or by or on beha any party to the instrument who might be compelled to it to the holder, and who, upon taking it up, would ha

right to reimbursement from the party to whom the notice is given.

Notice given by agent.

Sec. 3174*i*. [Notice given by agent.] Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

Effect of notice given on behalf of holder.

Sec. 3174*j*. [Effect of notice given on behalf of holder.] Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders, and all prior parties who have a right of recourse against the party to whom it is given.

Effect when notice given by party entitled thereto.

Sec. 3174*k*. [Effect where notice is given by party entitled thereto.] Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

When agent may give notice.

Sec. 3174*l*. [When agent may give notice.] Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon or he may give notice to his principal. If he give notice to his principal he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

When notice sufficient.

Sec. 3174*m*. [When notice sufficient.] A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Form of notice.

Sec. 3174*n*. [Form of notice.] The notice may be in writing or merely oral, and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by nonacceptance or nonpayment. It may in all cases be given by delivering it personally or through the mails.

To whom notice may be given.

Sec. 3174*o*. [To whom notice may be given.] Notice of dishonor may be given either to the party himself or to his agent in that behalf.

Notice when party is dead.

Sec. 3174*p*. [Notice where party is dead.] When any party is dead and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or the last place of business of the deceased.

Notice to partners.

Sec. 3174*q*. [Notice to partners.] Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

Notice to persons jointly liable.

Sec. 3174*r*. [Notice to persons jointly liable.] Notice to joint parties who are not partners must be given to each

of them unless one of them has authority to receive such notice for the others.

Notice to bankrupt.

Sec. 3174*s*. [Notice to bankrupt.] Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

Time within which notice must be given.

Sec. 3174*t*. [Time within which notice must be given.] Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided must be given within the times fixed by this chapter.

Where parties reside in same place.

Sec. 3174*u*. [Where parties reside in same place.] Where the person giving and the person to receive notice reside in the same place notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

2. If given at his residence, it must be given before the usual hours of rest on the day following.

3. If sent by mail, it must be deposited in the postoffice in time to reach him in usual course on the day following.

Where parties reside in different places.

Sec. 3174*v*. [Where parties reside in different places.] Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the postoffice in time to go by mail the day, following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the postoffice, then within the time that notice would have been received in due course of mail if it had been deposited in the postoffice within the time specified in the next preceding paragraph of this section.

When sender deemed to have given due notice.

Sec. 3174*w*. [When sender deemed to have given due notice.] Where notice of dishonor is duly addressed and deposited in the postoffice, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Deposit in postoffice; what constitutes.

Sec. 3174*x*. [Deposit in postoffice; what constitutes.] Notice is deemed to have been deposited in the postoffice when deposited in any branch postoffice or in any letter box under the control of the postoffice department.

Notice to subsequent party; time of.

Sec. 3174*y*. [Notice to subsequent party; time of.] Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Where notice must be sent.

Sec. 3174*z*. [Where notice must be sent.] Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address then the notice must be sent as follows:

1. Either to the postoffice nearest to his place of residence, or to the postoffice where he is accustomed to receive his letters; or,

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or,

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this chapter it will be sufficient though not sent in accordance with the requirements of this section.

Waiver of notice.

Sec. 3175. [Waiver of notice.] Notice of dishonor may be waived either before the time of giving notice has arrived or after the omission to give due notice, and the waiver may be express or implied.

Whom affected by waiver.

Sec. 3175*a*. [Whom affected by waiver.] Where the waiver is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

Waiver of protest.

Sec. 3175*b*. [Waiver of protest.] A waiver of protest whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

When notice is dispensed with.

Sec. 3175*c*. [When notice is dispensed with.] Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

Delay in giving notice; how excused.

Sec. 3175*d*. [Delay in giving notice; how excused.] Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

When notice need not be given to drawer.

Sec. 3175*e*. [When notice need not be given to drawer.] Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person;

2. Where the drawee is a fictitious person or a person not having capacity to contract.

3. Where the drawer is the person to whom the instrument is presented for payment.

4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument.

5. Where the drawer has countermanded payment.

When notice need not be given to indorser.

Sec. 3175*f*. [When notice need not be given to indorser.] Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person, or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

2. Where the indorser is the person to whom the instrument is presented for payment;

3. Where the instrument was made or accepted for his accommodation.

Notice of non-payment where acceptance refused.

Sec. 3175*g*. [Notice of nonpayment where acceptance refused.] Where due notice of dishonor by nonacceptance has been given, notice of a subsequent dishonor by nonpayment is not necessary, unless in the meantime the instrument has been accepted.

Effect of omission to give notice of non-acceptance.

Sec. 3175*h*. [Effect of omission to give notice of nonacceptance.] An omission to give notice of dishonor by nonacceptance does not prejudice the rights of a holder in due course subsequent to the omission.

When protest need not be made; when must be made.

Sec. 3175*i*. [When protest need not be made; when must be made.] Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment as the case may be; but the protest is not required except in the case of foreign bills of exchange.

RE-SUBDIVISION 8.

Discharge of Negotiable Instruments.

How discharged.

Sec. 3175*j*. [Instrument; how discharged.] A negotiable instrument is discharged:

1. By payment in due course by or on behalf of the principal debtor;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

3. By the intentional cancellation thereof by the holder;

4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

When person secondarily liable on, discharged.

Sec. 3175*k*. [When person secondarily liable on, discharged.] A person secondarily liable on the instrument is discharged:

1. By any act which discharges the instrument;

2. By the intentional cancellation of his signature by the holder;

3. By the discharge of a prior party;

4. By a valid tender of payment made by a prior party;

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the person secondarily liable, or unless the right of recourse against such party is expressly reserved.

Right of party who discharges instrument.

Sec. 3175*l*. [Right of party who discharges instrument.] Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior par-

ties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument except:

1. Where it is payable to the order of a third person, and has been paid by the drawer; and,

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Renunciation by holder.

Sec. 3175*m*. [Renunciation by holder.] The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Cancellation unintentional; burden of proof.

Sec. 3175*n*. [Cancellation; unintentional; burden of proof.] A cancellation made unintentionally or under a mistake, or without authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Alteration of instrument; effect of.

Sec. 3175*o*. [Alteration of instrument; effect of.] Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

What constitutes a material alteration.

Sec. 3175*p*. [What constitutes a material alteration.] Any alteration which changes:

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made; or which adds a place of payment where no place of payment is specified; or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

SUBDIVISION 2.

Bills of Exchange.

RE-SUBDIVISION 1.

Form and Interpretation.

Bill of exchange defined.

Sec. 3175*q*. [Bill of exchange defined.] A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on de-

mand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bill not an assignment of funds in hands of drawee.

Sec. 3175*r*. [Bill not an assignment of funds in hand of drawee.] A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

Bill addressed to more than one drawee.

Sec. 3175*s*. [Bill addressed to more than one drawee.] A bill may be addressed to two or more drawees jointly whether they are partners or not, but not to two or more drawees in the alternative or in succession.

Inland and foreign bills of exchange.

Sec. 3175*t*. [Inland and foreign bills of exchange.] An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appear on the face of the bill, the holder may treat it as an inland bill.

When bill may be treated as promissory note.

Sec. 3175*u*. [When bill may be treated as promissory note.] Where in a bill, drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Referee in case of need.

Sec. 3175*v*. [Referee in case of need.] The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by nonacceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

Re-subdivision 2.

Acceptance.

Acceptance; how made, etc.

Sec. 3175*w*. [Acceptance; how made, etc.] The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Holder entitled to acceptance on face of bill.

Sec. 3175*x*. [Holder entitled to acceptance on face of bill.] The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and if such request is refused, may treat the bill as dishonored.

Acceptance by separate instrument.

Sec. 3175*y*. [Acceptance by separate instrument.] Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof receives the bill for value.

Promise to accept; when equivalent to acceptance.

Sec. 3175*z*. [Promise to accept; when equivalent to acceptance.] An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in

favor of every person who, upon the faith thereof, receives the bill for value.

Time allowed drawee to accept.

Sec. 3176. [Time allowed drawee to accept.] The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill, but the acceptance, if given, dates as of the day of presentation.

Liability of drawee retaining or destroying bill.

Sec. 3176*a*. [Liability of drawee retaining or destroying bill.] Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder he will be deemed to have accepted the same.

Acceptance of incomplete bill.

Sec. 3176*b*. [Acceptance of incomplete bill.] A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by nonpayment. But when a bill payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Kinds of acceptances.

Sec. 3176*c*. [Kinds of acceptances.] An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

What constitutes a general acceptance.

Sec. 3176*d*. [What constitutes a general acceptance.] An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

Qualified acceptance.

Sec. 3176*e*. [Qualified acceptance.] An acceptance is qualified which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay only at a particular place;

4. Qualified as to time;

5. The acceptance of some one or more of the drawees but not of all.

Rights of parties as to qualified acceptance.

Sec. 3176*f*. [Rights of parties as to qualified acceptance.] The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder or he will be deemed to have assented thereto.

RE-SUBDIVISION 3.

Presentment for Acceptance.

When presentment for acceptance must be made.

Sec. 3176*g*. [When presentment for acceptance mu be made.] Presentment for acceptance must be made:

1. Where the bill is payable after sight, or in ar other case, where presentment for acceptance is necessar in order to fix the maturity of the instrument; or,

2. Where the bill expressly stipulates that it shall b presented for acceptance; or,

3. Where the bill is drawn payable elsewhere than the residence or place of business of the drawee.

In no other case is presentment for acceptance nece sary in order to render any party to the bill liable.

When failure to present releases drawer and indorser.

Sec. 3176*h*. [When failure to present releases drawe and indorser.] Except as herein otherwise provided, th holder of a bill which is required by the next preceding se tion to be presented for acceptance, must either present for acceptance or negotiate it within a reasonable time. he fail to do so, the drawer and all indorsers are discharge

Presentment; how made.

Sec. 3176*i*. [Presentment; how made.] Presentmer for acceptance must be made by or on behalf of the holde at a reasonable hour, on a business day and before the bi is overdue, to the drawee or some person authorized to a cept or refuse acceptance on his behalf; and,

1. Where a bill is addressed to two or more drawe who are not partners, presentment must be made to the all, unless one has authority to accept or refuse acceptanc for all, in which case presentment may be made to him onl

2. Where the drawee is dead, presentment may b made to his personal representative.

3. Where the drawee has been adjudged a bankru or an insolvent or has made an assignment for the benef of creditors, presentment may be made to him or to h trustee or assignee.

On what days presentment may be made.

Sec. 3176*j*. [On what days presentment may be made. A bill may be presented for acceptance on any day on whic negotiable instruments may be presented for payment unde the provisions of section thirty-one hundred and seventy three (*q*) (3173*q*), and thirty-one hundred and seventy four (*c*) (3174*c*) of this chapter. When Saturday is no otherwise a holiday, presentment for acceptance may b made before twelve o'clock noon on that day.

Presentment when time is insufficient.

Sec. 3176*k*. [Presentment when time is insufficient. Where the holder of a bill drawn payable elsewhere than a the place of business or the residence of the drawee has no time, with the exercise of reasonable diligence, to presen the bill for acceptance before presenting it for payment o the day that it falls due, the delay caused by presenting th bill for acceptance before presenting it for payment is ex cused and does not discharge the drawers and indorsers

Sec. 3176*l*. [Where presentment is excused.] Presentment for acceptance is excused and a bill may be treated as dishonored by nonacceptance, in either of the following cases: Where presentment is excused.

1. Where the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill.

2. Where, after the exercise of reasonable diligence, presentment cannot be made.

3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

Sec. 3176*m*. [When dishonored by nonacceptance.] A bill is dishonored by nonacceptance: When dishonored by non-acceptance.

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this chapter is refused or cannot be obtained; or,

2. When presentment for acceptance is excused, and the bill is not accepted.

Sec. 3176*n*. [Duty of holder where bill not accepted.] Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance or he loses the right of recourse against the drawer and indorsers. Duty of holder where bill not accepted.

Sec. 3176*o*. [Rights of holder where bill not accepted.] When a bill is dishonored by nonacceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder and no presentment for payment is necessary. Rights of holder where bill not accepted.

Re-subdivision 4.

Protest.

Sec. 3176*p*. [In what cases protest necessary.] Where a foreign bill appearing on its face to be such is dishonored by nonacceptance, it must be duly protested for nonacceptance, and where such a bill, which has not previously been dishonored by nonacceptance is dishonored by nonpayment, it must be duly protested for nonpayment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

Sec. 3176*q*. [Protest; how made.]. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify: Protest; how made.

1. The time and place of presentment.

2. The fact that presentment was made, and the manner thereof.

3. The cause or reason for protesting the bill.

4. The demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Protest; by whom made.

Sec. 3176*r*. [Protest; by whom made.] Protest may be made by:

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored in the presence of two or more credible witnesses.

Protest; when to be made.

Sec. 3176*s*. [Protest; when to be made.] When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Protest; where made.

Sec. 3176*t*. [Protest; where made.] A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonored by nonacceptance, it must be protested for nonpayment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Protest both for non-acceptance and non-payment.

Sec. 3176*u*. [Protest both for nonacceptance and nonpayment.] A bill which has been protested for nonacceptance may be subsequently protested for nonpayment.

Sec. 3176*v*. [Protest before maturity where acceptor insolvent.] Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When protest dispensed with.

Sec. 3176*w*. [When protest dispensed with.] Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Protest where bill is lost, et cetera.

Sec. 3176*x*. [Protest where bill is lost, et cetera.] Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

Re-subdivision 5.

Acceptance for Honor.

When bill may be accepted for honor.

Sec. 3176*y*. [When bill may be accepted for honor.] Where a bill of exchange has been protested for dishonor by nonacceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for

part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

Acceptance for honor; how made.

Sec. 3176*z*. [Acceptance for honor; how made.] An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

When deemed to be an acceptance for honor of the drawer.

Sec. 3177. [When deemed to be an acceptance for honor of the drawer.] Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

Sec. 3177*a*. [Liability of the acceptor for honor.] The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Agreement of acceptance for honor.

Sec. 3177*b*. [Agreement of acceptance for honor.] The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided, also, that it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him.

Maturity of bill after sight; accepted for honor.

Sec. 3177*c*. [Maturity of bill payable after sight; accepted for honor.] Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for nonacceptance and not from the date of the acceptance for honor.

Protest of bill accepted for honor, et cetera.

Sec. 3177*d*. [Protest of bill accepted for honor, et cetera.] Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need.

Presentment for payment to acceptor for honor; how made.

Sec. 3177*e*. [Presentment for payment to acceptor for honor; how made.] Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for nonpayment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section thirty-one hundred and seventy-four (*v*) (3174*v*).

When delay in making presentment is excused.

Sec. 3177*f*. [When delay in making presentment is excused.] The provisions of section thirty-one hundred and seventy-three (*z*) (3173*z*) apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

Dishonor of bill by acceptor for honor.

Sec. 3177*g*. [Dishonor of bill by acceptor for honor.] When the bill is dishonored by the acceptor for honor, it must be protested for nonpayment by him.

Re-subdivision 6.

Payment for Honor.

Who may make payment for honor.

Sec. 3177*h*. [Who may make payment for hono
Where a bill has been protested for nonpayment any per
may intervene and pay it supra protest for the honor of
person liable thereon or for the honor of the person
whose account it was drawn.

Payment for honor; how made.

Sec. 3177*i*. [Payment for honor; how made.] T
payment for honor supra protest in order to operate as s
and not as a mere voluntary payment must be attested b
notarial act of honor which may be appended to the pro
or form an extension to it.

Declaration before payment for honor.

Sec. 3177*j*. [Declaration before payment for hono
The notarial act of honor must be founded on a declarat
made by the payer for honor, or by his agent in that beh
declaring his intention to pay the bill for honor and
whose honor he pays.

Preference of parties offering to pay for honor.

Sec. 3177*k*. [Preference of parties offering to pay
honor.] Where two or more persons offer to pay a bill
the honor of different parties, the person whose paym
will discharge most parties to the bill is to be given the pr
ference.

Effect on subsequent parties where bill is paid for honor.

Sec. 3177*l*. [Effect on subsequent parties where
is paid for honor.] Where a bill has been paid for hon
all parties subsequent to the party for whose honor it
paid are discharged, but the payer for honor is subrogat
for, and succeeds to, both the rights and duties of the hol
as regards the party for whose honor he pays and all part
liable to the latter.

Where holder refuses to receive payment supra protest.

Sec. 3177*m*. [Where holder refuses to receive pa
ment supra protest.] Where the holder of a bill refus
to receive payment supra protest, he loses his right of
recourse against any party who would have been discharg
by such payment.

Rights of payer for honor.

Sec. 3177*n*. [Rights of payer for honor.] The pay
for honor, on paying to the holder the amount of the b
and the notarial expenses incidental to its dishonor, is e
titled to receive both the bill itself and the protest.

Re-subdivision 7.

Bills in a Set.

Bills in sets constitute one bill.

Sec. 3177*o*. [Bills in sets constitute one bill.] Whe
a bill is drawn in a set, each part of the set being number
and containing a reference to the other parts, the whole
the parts constitutes one bill.

Rights of holders where different parts are negotiated.

Sec. 3177*p*. [Rights of holders where different pa
are negotiated.] Where two or more parts of a set are neg
tiated to different holders in due course, the holder who
title first accrues is as between such holders the true own
of the bill. But nothing in this section affects the rig

of a person who in due course accepts or pays the part first presented to him.

Liability of holder who indorses two or more parts of a set to different persons.

Sec. 3177*q*. [Liability of holder who indorses two or more parts of a set to different persons.] Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Acceptance of bills drawn in sets.

Sec. 3177*r*. [Acceptance of bills drawn in sets.] The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Payment by acceptor of bills drawn in sets.

Sec. 3177*s*. [Payment by acceptor of bills drawn in sets.] When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Effect of discharging one of a set.

Sec. 3177*t*. [Effect of discharging one of a set.] Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

Subdivision 3.

Promissory Notes and Checks.

Re-subdivision 1.

Form and Interpretation.

Promissory note defined.

Sec. 3177*u*. [Promissory note defined.] A negotiable promissory note within the meaning of this chapter is an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Check defined.

Sec. 3177*v*. [Check defined.] A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this chapter applicable to a bill of exchange payable on demand apply to a check.

Within what time a check must be presented.

Sec. 3177*w*. [Within what time a check must be presented.] A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Certification of check; effect of.

Sec. 3177*x*. [Certification of check; effect of.] Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Effect where the holder of check procures it to be certified.

Sec. 3177*y*. [Effect where the holder of check pr cures it to be certified.] Where the holder of a check pr cures it to be accepted or certified, the drawer and all i dorsers are discharged from liability thereon.

Where check operates as an assignment.

Sec. 3177*z*. [Where check operates as an assignment A check of itself does not operate as an assignment of a part of the funds to the credit of the drawer with the ban and the bank is not liable to the holder unless and until accepts or certifies the check.

SUBDIVISION 4.

General Provisions.

Definitions and meaning of terms.

Sec. 3178. [Definitions and meaning of terms.] this chapter, unless the context otherwise requires:

"Acceptance" means an acceptance completed by d livery or notification;

"Action" includes counter-claim and set-off;

"Bank" includes any person or association of perso carrying on the business of banking whether incorporat or not;

"Bearer" means the person in possession of a bill note which is payable to bearer;

"Bill" means a bill of exchange, and "Note" means n gotiable promissory note;

"Delivery" means transfer of possession, actual or co structive, from one person to another;

"Holder" means the payee or indorsee of a bill or not who is in possession of it, or the bearer thereof;

"Indorsement" means an indorsement completed by d livery;

"Instrument" means negotiable instrument;

"Issue" means the first delivery of the instrument, com plete in form, to a person who takes it as a holder;

"Person" includes a body of persons, whether inco porated or not;

"Value" means valuable consideration;

"Written" includes printed and "writing" includ print;

Person primarily liable on instrument.

Sec. 3178*a*. [Person primarily liable on instrument The person "primarily" liable on an instrument is the pe son who by the terms of the instrument is absolutely r quired to pay the same. All other parties are "secondarily liable.

Reasonable time; what constitutes.

Sec. 3178*b*. [Reasonable time; what constitutes.] determining what is a "reasonable" time or an "unreaso able time" regard is to be had to the nature of the instr ment, the usage of trade or business (if any), with respe to such instruments, and the facts of the particular case.

Time; how computed; when last day falls on holiday.

Sec. 3178*c*. [Time; how computed; when last da falls on holiday.] Where the day or the last day for doin any act herein required or permitted to be done falls on Su

day, or on a holiday, the act may be done on the next succeeding secular or business day.

Application of chapter.

Sec. 3178*d*. [Application of chapter.] The provisions of this chapter do not apply to negotiable instruments made and delivered prior to the taking effect hereof.

Law merchant; when governs.

Sec. 3178*e*. [Law merchant; when governs.] In any case not provided for in this chapter, the rules of the law merchant shall govern.

SUBDIVISION 5.

Holidays.

Holidays.

Sec. 3178*f*. [Holidays.] The following days, viz:

1. The first day of January, known as New Year's day;

2. The twenty-second day of February, known as Washington's birthday;

3. The thirtieth day of May, known as Decoration or Memorial day;

4. The fourth day of July, known as Independence day;

5. The first Monday of September, known as Labor day;

6. The twenty-fifth day of December, known as Christmas day;

7. Any day appointed and recommended by the governor of this state or the president of the United States as a day of fast or thanksgiving; and

8. Any day which may hereafter be made a legal holiday, shall, for the purposes of this chapter, be holidays; but if said days firstly (1), secondly (2), thirdly (3), fourthly (4), sixthly (6) and eighthly (8) herein be the first day of the week known as Sunday the next succeeding secular or business day shall be a holiday. [92 v. 61; 90 v. 129; 81 v. 104; 77 v. 9; Rev. Stat. 1880, Sec. 3177; 67 v. 15, Sec. 3; S. & S. 490.]

SUBDIVISION 6.

Patent Right Notes.

Note given for patent right, how to be written, et cetera.

Sec. 3178*g*. [Note given for patent right, how to be written, et cetera.] A promissory note, or other negotiable instrument, the consideration for which consists in whole or in part, of the right to make, use, or vend a patented invention, or an invention claimed to be patented, shall have written or printed prominently and legibly, across the face thereof, and above the signature thereto, the words "Given for a patent right"; such instrument in the hands of any purchaser or holder, shall be subject to the same defenses as it would be in the hands of the original owner or holder; and any person who purchases or becomes the holder of a promissory note, or other negotiable instrument, knowing it to have been given for the consideration aforesaid, shall hold the same subject to such defenses, although the words "given for a patent right" are not written or printed upon

its face. [Rev. Stat. 1880, Sec. 3178; 66 v. 93, Sec. 1 (S. & S. 510).]

Repeals.

SECTION 2. That original sections 3171, 3172, 3173, and 3174, and original sections 3175, 3176, and 3177, as amended March 12, 1896 (92 Ohio Laws, 61-62), and original section 3178 of the Revised Statutes of Ohio, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force on and after the first day of January nineteen hundred and three (1903).

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 17, 1902. 121G

[Senate Bill No. 144.]

AN ACT

To amend sections 621*c* and 621*d* and to supplement section 621 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Justices of the peace:

SECTION 1. That the following sections be enacted amendatory to sections 621*c* and 621*d*, and supplementary to section 621 of the Revised Statutes of Ohio:

Salary of justices in Columbus; how payable; affidavit to be filed by justice.

Sec. 621*c*. In all cities in this state of the first grade of the second class, each justice of the peace, for services rendered, shall receive in lieu of all fees an annual salary of fifteen hundred dollars, payable in monthly installments, out of the city treasury, on the warrant of the director of accounts of said city; but no such warrant shall be issued by said director of accounts until the justice asking for the same has made and filed with him his affidavit, setting forth the number of days he has been in actual attendance at his court room ready for business, during the period which the warrant is intended to cover; and for such time thus spent in attendance to business only, shall he be allowed in such warrant, a deduction of three dollars being made for each day's absence; but if he was unable to attend to the duties of his office by reason of illness, or other necessary or unavoidable cause, he shall be charged with no lost time; provided, however, that a vacation of three weeks shall be allowed each justice annually, but not more than two justices shall be absent on such vacation at any one period.

Vacation of justice.

Office hours of justices.

Each of said justices shall have his court room opened and he shall be in attendance at the duties of his office therein, from at least eight-thirty o'clock a. m. until eleven-thirty a. m. and from one-thirty o'clock p. m. until four-thirty o'clock p. m., each standard time; provided, that where either of said justices is actually engaged in the trial

of a suit he shall so continue until at least five o'clock p. m., when it shall be necessary to do so in order to finish the trial of said suit; and the said clerk's office hereinafter mentioned shall be open continuously from eight-thirty o'clock a. m. until five o'clock p. m., both standard time, each day, excepting legal holidays. All original writs issued by the clerk hereinafter mentioned shall be made returnable at eight o'clock a. m. or one o'clock p. m., both standard time.

Office hours of clerk.

There shall be three justices of the peace for any and all townships whose boundaries are or may hereafter be wholly within the limits of a city of the first grade of the second class. The board of public works and the city council of such city of the first grade of the second class shall provide suitable court rooms for the accommodation of said justices of the peace, and also an office for the clerks hereinafter mentioned; also such jury rooms as may be necessary, which offices and rooms shall be contiguous to each other.

Number of justices.

Offices for justices and clerks.

Jury rooms.

The said board of public works and the city council shall also provide necessary dockets, indexes, law books, including a set of the Ohio and Ohio State reports, circuit court reports, statutes, Swan's treatises, blanks, stationery, furniture, fuel and telephone for the use of said justices and clerks.

Dockets, indexes, law books, etc.

Sec. 621*d*. In all townships in this state whose boundaries are or may hereafter be wholly within the limits of a city of the first grade of the second class, there shall be one clerk and two deputy clerks, all of whom shall be electors, for said justices of the peace. The said clerk shall be known as the clerk of the justice courts for such city. The justices shall meet at the court room of the justice whose term shall soonest expire at one o'clock p. m. on the last Monday of October, each year, and shall at once proceed to select the said clerk and deputy clerks in the following manner: Each justice shall select one person for a member of the clerical force, and from the persons thus selected the justices shall elect the clerk by ballot, and if, after five ballots, none of the persons so balloted for shall receive a majority vote, the clerk shall be selected from such persons by lot. The other two persons so selected in the first instance shall be the deputy clerks. The term of office of said clerk shall be one year, to commence on the first Monday of November next after his election. Said clerk shall receive from the city treasury an annual salary of one thousand dollars, payable in monthly installments. Before entering upon the duties of his office the said clerk shall file in the office of the city clerk a bond in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the city council of such city, conditioned that the clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of such city all moneys received by him or his deputies under him, as clerk of said justice

Clerks of justices' court.

Election of clerk and deputies; how conducted.

Term of clerk.

Salary.

Bond.

courts, for the use of said city, and otherwise condition

Duty of clerk.

as such city council shall prescribe. It shall be the du of said clerk to keep a true and complete record of all pr ceedings before each of said justices, and all judgmer shall be entered in the docket in the time and manner pr scribed by law, which judgment shall be signed by the ju tice by whom it was rendered. He shall keep true and c rect accounts of all moneys received by him or his deputi as court fees, for the use of such city, or for any other pu pose, and shall properly account for and pay over the sa to the party entitled thereto. He shall also file and saf keep all papers and books belonging to or appertaining said justice courts, none of which shall be removed fr said office without the authority in writing of the just to whom the case was assigned or the clerk of said cou nor unless proper receipts be given therefor.

Powers of clerk.

The clerk shall have power generally to adminis oaths and take affidavits, to issue executions upon any juc ment upon the docket of any justice of the peace, wh docket is turned over to him, and who comes under the pr visions of this act; he shall have the power to issue exe tions upon any judgment rendered in said court; and may issue executions upon any judgment in said court any unpaid costs; he shall have power to issue and si all warrants, writs, affidavits, complaints, processes a papers, issuing in or out of said court; and when so issu and signed by him, it shall have the same force and eff as the issuing and signing of the same by a justice of t peace, except as to stay bonds, appeal undertakings and bi of exceptions; he shall have power the same as justi of the peace have, to approve all bonds, recognizances a undertakings required to be approved and signed by a ju tice of the peace, except bonds or undertakings for app or stay of execution; and when signed and approved said clerk it shall have the same force and effect as wh approved and signed by a justice of the peace. In bastar cases and proceedings, and in all criminal cases and p ceedings in said court, the affidavit, complaints, and affidavits, writs, processes or papers, therein, may be ma before said clerk, and when so made before said clerk shall have the same force and effect that it has when ma before a justice of the peace.

Stay bonds, appeal bonds, and bills of exception sh not be approved, signed or sealed by said clerk; but same shall be approved, signed and allowed in the sa manner as is now provided by the general statutes of t state governing justice courts; provided, however, wh any justice of the township is sick or necessarily abs from his office, any other justice of the township may si and approve the stay or appeal bond in any case or p ceeding in which the absent justice of the township has r dered judgment.

Before what justice case to be tried.

The said clerk shall make all writs returnable to the s justices in rotation, and if upon the return day or the

journed day of any cause or proceeding the justice to whom the writ or process was made returnable shall be absent at the time to which the cause or proceeding has been adjourned or the writ or process therein made returnable, one of the other justices shall have the same jurisdiction to proceed therein as though the cause or proceedings had been originally commenced before him, and if judgment be rendered by him in such cause or proceeding, the record thereof shall be signed by the justice rendering such judgment. And the justice to whom any cause or proceeding has been assigned for trial may on his own motion transfer such cause or proceeding to either of the other justices of the township, and unless said justice objects to such transfer, it shall be his duty to proceed with and try such cause or proceeding in like manner as if it had been originally assigned to him.

Collection of fees.

It shall be the duty of the clerk to tax and collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, and make return under oath to the director of accounts of such city on blanks provided by such director, monthly, on or before the second Saturday of each month, of all fees collected by him, and all fees taxed by him and uncollected during the month previous, giving the style of the case and number and pages of the dockets in which they are recorded. He shall at the same time pay into the city treasury all such fees collected by him.

Auditing of clerks' accounts and inspection of records.

It is hereby made the duty of the director of accounts to audit the accounts and inspect the records of such clerk as often as he may think proper; but he shall not hinder the business of the clerk nor remove the records from the office.

All money paid under judgments rendered by said justices and all moneys paid under garnishments in said justice courts, and all costs, fines and dues of every description shall be paid to said clerk or his deputy or deputies by him authorized to receive the same, and his bond shall be conditioned for the faithful and proper disposition of all such moneys. It shall be his duty to dispose of all such moneys as is now provided by law.

Term of deputies.

The term of office of each deputy shall be one year, to commence on the first Monday of November next after his selection as hereinbefore mentioned; but the deputy clerks shall be subject to removal from office at any time by the justice who selected him or by his successor in office or by the clerk for cause, in which case the vacancy shall be filled immediately by the justice who selected the deputy so removed or by the successor in office of such justice; the clerk may be removed from office at any time by the justice who selected him as a deputy or by the successor of such justice or by a majority of the justices.

Vacancies.

In case of vacancy in the office of the clerk of the justice courts the justice whose term shall soonest expire shall notify the other justices to meet in his court room, when

Certificate of appointment and removal.

they shall proceed to fill the vacancy as in the select clerks in the first instance. Appointments and revoc of appointments of deputies shall be certified by the who made the appointment or revocation to the city and such certificate shall be notice of the appointm revocation, as the case may be, and the appointm revocation shall be operative from the time of the fil such certificate. The said deputy clerks shall be und control and direction of said clerk, and shall perform duties as he shall direct, and shall have authority to pe generally the duties of said clerk. Each of said de shall, if required by said clerk, furnish a good and suf bond for the faithful discharge of his duties in such a and with such conditions as said clerk may prescribe. deputies shall each receive a salary of nine hundred per annum, payable in monthly installments out of th treasury on the warrant of the director of accounts o city, and it is hereby made the duty of the direc accounts to issue all warrants as herein provided for.

Deputies under direction of clerk; powers.

Bond.

Salary.

Justices, clerk and deputies can not act as counsel, agent or attorney.

Sec. 621*e*. It shall be unlawful for said justi the peace or said clerk or his deputy or deputies to counsel, agent or attorney for any party in any matte or proceedings in said courts.

Clerks and deputies now in office shall remain.

SECTION 2. The clerk and deputy clerks now in and those hereafter selected, shall each continue to their respective offices until their successors are electe qualified.

Repeals.

SECTION 3. That section 621*c*, as passed Marc 8th, 1893, and amended April 18th, 1896, and amended 26th, 1898, and section 621*d*, as passed March 8th, and amended March 22nd, 1893, and amended April 1896, and amended April 26th, 1898, and any and all acts and all sections and portions thereof of the R Statutes of Ohio in so far as the same conflict or are sistent with any of the provisions of this act, are h repealed.

SECTION 4. This act shall take effect and be in from and after its passage.

W. S. MCKINNON,
Speaker of the House of Represent
CARL L. NIPPERT,
President of the S

Passed April 17, 1902. 122G

[Senate Bill No. 82.]

AN ACT

Amending section 5027 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5027 of the Revised Statutes as renumbered and amended by an act of the general assembly of the state of Ohio, passed April 16th, 1900, being theretofore known as section 5030 of the Revised Statutes of Ohio, be amended so as to read as follows:

Where action to be brought:

Sec. 5027. An action other than any of those mentioned in the first four sections of this chapter, against a nonresident of this state, or a foreign corporation, may be brought in any county in which there is property of, or debts owing to, the defendant, or where such defendant is found, or where the cause of action, or some part thereof arose.

Further provisions as to nonresidents.

SECTION 2. That said section 5027 of the Revised Statutes be repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 17, 1902. 123G

[Senate Bill No. 225.]

AN ACT

To amend, supplement and repeal certain sections of subdivision 3, of chapter 5, division 5, title 12, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety and one thousad nine hudred and ninety-seven of the Revised Statutes of Ohio be amended and supplemented so as to read as follows:

Police boards and officers:

Sec. 1984. All police powers and duties connected with and incident to the appointment, regulation and government of a police force in cities of the third grade of the first class shall, be vested in and exercised by a board of police commissioners, to be appointed by the governor. The governor shall appoint, as such commissioners four citizens, electors of such cities, respectively, well known for their intelligence and integrity, not more than two of whom shall be of the same political party; two of whom of different

Police powers and duties in Toledo to be vested in board of police commissioners.

Appointment.

Term

political party faith and allegiance shall be designated in their appointment to serve for two years, and the other two, also of different political party faith, shall be designated to serve for four years. And, thereafter, at the expiration of such term, and at each period of two years, the governor shall appoint two members of said board to serve for a period of four years.

Removals.

For official misconduct, the governor may remove any of said commissioners; and all vacancies in said board by death, resignation or removal, shall be filled by the governor for the unexpired term; and all vacancies from whatever cause, shall be so filled that not more than two of the members of said board shall be of the same political party, or so reputed. The commissioners, before entering upon their duties, shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and of the state of Ohio, to obey the laws, and in all their acts and official actions and judgments to aim only to secure and maintain an honest and efficient system of police, free from partisan dictation and control.

Vacancies.

Oath.

Commissioners disqualified to hold office.

Sec. 1985. Any commissioner, who, during the term of his office, accepts any other place of public trust or emoluments, or who, during the same period, knowingly consents to his nomination for an office, elective by the people, or fails publicly to decline the same within twenty days succeeding his nomination, shall be deemed to have thereby vacated his office, and the governor shall appoint a successor; and no officer or member of the police force shall be a delegate to, or otherwise take part in any primary or other political convention or election, except to cast his vote. Any interference by any officer or member of the police force in elections or conventions, for or against any political party or candidate, shall require his dismissal from the force by the commissioners.

Political conventions.

Interference in elections, etc., by police.

Qualifications of officers and members of police force.

Sec. 1985*a*. Each member and officer of the police force shall be an elector of the city in which he is appointed, and able to read and write the English language understandingly. No person shall be appointed a member or officer of the police force, unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been convicted of any misdemeanor within three years previous to his appointment, or has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law, nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him, or on account of political sentiments or affiliations, nor shall any officer or member of said force be removed or discharged or reduced in grade or pay for any political or partisan opinions. Their appointment and continuance upon the police force

shall depend solely upon their ability and willingness to enforce the law.

Compensation of commissioners.

Sec. 1985*b*. The compensation of the commissioners herein provided for, is hereby fixed at six hundred dollars per annum for each, payable quarterly, and the clerk of the police department shall draw his warrant therefor, and also a warrant monthly, for the salary of such clerk. Such warrants shall be attested by the president of the board.

Meetings of board.

Sec. 1989. Meetings of the commissioners for the transaction of business shall be held at their office upon some particular day to be designated by them, and at such other times as the president of the board may call special meetings.

President.

The board of commissioners shall designate some one of their members to act as president, and in case of failure at any time for ten minutes to choose a president by ballot, he shall be chosen by lot. A majority of the board shall constitute a quorum for the transaction of business, but a majority of the entire board shall be necessary to pass any measure or authorize any act of the board.

Superintendent of police and other officers, how appointed, salaries, etc.

Sec. 1990. The police board shall appoint one captain of police, who shall be also acting superintendent, whose salary shall be fixed by the police board, but shall not exceed twenty-five hundred dollars per annum, not less than one-fourth of which salary shall be paid by the county in which such city is situated; one lieutenant of police, whose salary shall not exceed fifteen hundred dollars per annum; one sergeant of police for every twelve patrolmen, or fractions of twelve greater than four (4), whose salary shall not exceed one thousand dollars per annum; said sergeants shall be designated by said board as 1st, 2nd, and so on, and shall rank accordingly; such number of patrolmen as the board may think expedient, but not exceeding one for each one thousand inhabitants, the salary not to exceed nine hundred dollars per annum (and all of the above salaries to be determined by the police board); detectives or secret police not exceeding six (6) in number, one of whom shall be detailed by said board as chief detective, each of whose salary shall not exceed one thousand dollars per annum; all of which salaries and all other salaries of members of the police department shall be fixed by the police board, and shall be paid monthly.

Certain sections relating to cities of second grade, first class made applicable to cities of third grade, first class.

Sec. 1997. Sections one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-seven, one thousand nine hundred and forty-two, one thousand nine hundred and forty-three, one thousand nine hundred and forty-four, one thousand nine hundred and forty-five, one thousand nine hundred and forty-six, one thousand nine hundred and forty-seven, one thousand nine hundred and forty-eight, one thousand nine hundred and forty-nine, one thousand nine hundred and fifty, one thousand nine hundred and fifty-one, one thousand nine hun-

dred and fifty-two, one thousand nine hundred and three, one thousand nine hundred and fifty-four, one sand nine hundred and fifty-five, one thousand nine dred and fifty-six, one thousand nine hundred and seven, one thousand nine hundred and fifty-eight, one sand nine hundred and sixty-seven, one thousand nine dred and sixty-eight, one thousand nine hundred and s nine, one thousand nine hundred and seventy, one thou nine hundred and seventy-one, one thousand nine hur and seventy-two, one thousand nine hundred and sev three, one thousand nine hundred and eighty, one thou nine hundred and eighty-one, one thousand nine hur and eighty-two, relating to cities of the second grade o first class, are hereby made applicable to cities of the grade of the first class, as though they were repeated in division three (3), chapter five, division five, title tw of the Revised Statutes of Ohio:

SECTION 2. Within five days after the police com sioners appointed by the governor, as provided for in act, shall have qualified, the commissioners now hol office under subdivision three, chapter five, division five, twelve, of the Revised Statutes, shall deliver all b papers, property and appurtenances of the police de ment in their hands and under their control to the p commissioners so appointed by the governor. But not in this act shall be construed to affect or change the tin tenure of office of any officer or member of the police f

Repeals, etc.

SECTION 3. Sections one thousand nine hundred eighty-four, one thousand nine hundred and eighty-five thousand nine hundred and eighty-nine, one thousand hundred and ninety, one thousand nine hundred and nin five, and one thousand nine hundred and ninety-seven and the same are hereby repealed. This act shall take e and be in force ten days from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representat
CARL L. NIPPERT,
President of the Se

Passed April 17, 1902. 124G

[Senate Bill No. 114.]

AN ACT

To amend section 1708*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of O

Officers of cities and villages:

SECTION 1. That section 1708*a* of the Revised S utes of Ohio, as amended April 20th, 1894 (91 O. L., 1 be amended so as to read as follows:

Officers of Cincinnati.

Sec. 1708*a*. In cities of the first grade of the class there shall be a mayor, auditor, treasurer, police ju

clerk of the police court, and corporation counsel, who shall be chosen by the electors, for equal terms at one and the same general municipal election; and a prosecuting attorney of the police court, and a secretary to the mayor, who shall be appointed by the mayor, with the advice and consent of the board of legislation; and a city clerk to be elected as provided in section 1655*a*. The secretary to the mayor shall be appointed to serve during the term of the mayor appointing him, and until his successor shall have been appointed and qualified, but any such secretary may be removed by the mayor at any time. He shall perform such duties relating to the mayor's office and receive such compensation as may be prescribed by ordinance, and may administer any oath necessary in the discharge of his duties or in the business of said office. He shall give bond in the manner provided by law in the sum of five thousand dollars. If the mayor be temporarily absent from such city, the secretary shall, during such absence, under the designation of "Mayor pro tem.," perform the duties of the mayor prescribed by the laws of the state and the resolutions, by-laws and ordinances of the city, and he may sign all commissions, licenses and permits granted by authority of the board of legislation or authorized by law, and such other instruments, including vouchers and pay rolls, as by law, or by resolution or ordinance of the city may require the signature or certificate of the mayor; but this section shall not be construed to authorize such secretary while acting as mayor pro tem. to sign or attest any municipal bonds or other evidence of indebtedness issued by the city; or to approve or disapprove any ordinance, resolution or order for granting a franchise or creating a right, or providing for the purchase, lease, sale or transfer of property; or to appoint any person to any office or other position of employment created by law or ordinance, or to remove any officer or employe of the city. Provided, that before the secretary performs any such duties as mayor pro tem., the mayor shall enter upon a book hereby required to be kept as a permanent record of said office, the day when such service began, and a like entry of the day when it ceased. Any summons, writ, process, or notice required by law to be served upon the mayor may be served upon the secretary while serving as mayor pro tem., and the fact and date of such service and of any act performed by the secretary, as mayor pro tem., shall be immediately entered upon said record.

Secretary to mayor.

Duties and compensation.

Bond.

Shall act as mayor.

Proviso.

SECTION 2. That section 1708*a* of the Revised Statutes of Ohio, as heretofore amended, be and the same is hereby repealed and that this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 17, 1902. 125G

[Senate Bill No. 66.]

AN ACT

To amend and supplement section 5674 of the Revised St relating to surrender of corporate charters.

Be it enacted by the General Assembly of the State of C

Dissolution of corporations:

SECTION 1. That section 5674 of the Revised utes be amended and supplemented so as to read as foll

How certain corporations may surrender charter.

Sec. 5674. When a majority of the directors, trus or other officers of a corporation not for profit desi abandon its corporate existence and no debts have bee curred which are unpaid, or in case of a corporatio profit when a majority of such officers become satisfied the objects of the corporation cannot be accomplished, that no installment of the capital stock of such corpor has been paid and no investments have been made an debts incurred which are unpaid, they, or the preside the board of directors, trustees, or other officers, may a meeting of the members or stockholders of the cor tion at such time and place as he or they may designa at least two weeks' publication in a newspaper publ and of general circulation in the county wherein the cipal office is located; and if a majority of the membe a corporation not for profit present at such meeting d such abandonment, or a majority in amount of the s holders of a corporation for profit present in person proxy decide that the objects of such corporation cann accomplished, then such corporation shall be abandone dissolved upon the filing of a certificate of such aban ment or dissolution with the secretary of state in the ner provided by law.

Sec. 5674*a*. When a majority of the directors or officers having the management of the concerns of any poration for profit, which has completely closed its busi and paid all the debts and liabilities incurred by such poration desire to surrender its corporate authority franchises, they, or the president of said board of dire may call a meeting of the stockholders at such time or as he or they may designate by publication for four w in some newspaper published and of general circulati the county wherein the principal office of the corporati located and by written notices addressed to each o stockholders whose residence is known, of the object, and place of said meeting; and if all the stockholders ent at such meeting in person or by proxy decide to render and abandon its corporate authority the cor tion shall be abandoned and dissolved upon the filing certificate of such abandonment or dissolution with secretary of state in the manner provided by law. Pro that a corporation entitled at the date of the passag this act to surrender its charter under the provisions o section, having no living president of its board of dire and a majority of whose directors are deceased, may

render its corporate charter by an application of one or more of the resident stockholders thereof, setting forth the facts required by this section, duly filed with the secretary of state.

SECTION 2. That said original section 5674 of the Revised Statutes be repealed, and that this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 18, 1902. 126G

[Senate Bill No. 102.]

AN ACT

To amend sections 3184, 3184*c* 3185, 3188, 3194, 3195, 3197 and 3200 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3184, 3184*c*, 3185, 3194, 3195, 3197 and 3200 of the Revised Statutes of the state of Ohio be amended so as to read as follows: Mechanics' liens:

Sec. 3184. That every person who shall do or perform any work or labor upon or furnishes machinery or material for constructing, altering, or repairing a boat, or vessel, or other water craft, or for erecting, altering, repairing or removing a house, mill, manufactory, or any furnace or furnace material therein, or other building, appurtenance, fixture, bridge, or other structure, or for digging, drilling, boring, operating, completing or repairing of any gas well, oil well, or any other well, or performs labor in altering, repairing, or constructing any oil derrick, oil tank, oil or gas pipe line, or furnishes tile for the drainage of any lot or land by virtue of a contract, expressed or implied, with the owner, part owner or lessee, of any interest in real estate or the authorized agent of the owner, part owner, or lessee of any interest in real estate, shall have a lien to secure payments of the same upon such boat, vessel, or other water craft, or upon such house, mill, manufactory, furnace, or other building, or appurtenance, fixture, bridge, or other structure, or upon such gas well, oil well, or any other well, or upon such oil derrick, oil tank, oil or gas pipe line, and upon the material or machinery so furnished, and upon the interest, leasehold or otherwise, of the owner, part owner, or lessee in the lot or land upon which the same may stand, or to which the same may be removed. Lien upon water craft building, bridges, etc.

Provided, that any person, firm, or corporation furnishing material or performing labor of any kind, entering into the construction of such building, or structure, or appurtenance, boat, vessel, or other water craft, furnace, fix- Subcontractor's lien; how acquired.

ture, bridge, or other structure, or upon such gas well, well, or any other well, or upon such oil derrick, oil tar oil or gas pipe line, or tile, may before beginning to pe form such labor or furnishing such material or machiner or at any time thereafter, not to exceed ninety days (9 from the completion of such labor or delivery of such m terial or machinery, serve upon the owner, part owner, lessee of the premises, or his agent, a written notice co taining an itemized statement of the amount and value such labor performed, or to be performed, or material machinery furnished, or to be furnished, containing a d scription of any promissory notes that have been given the principal contractor or subcontractor, on account of a such labor, material or machinery, or any part thereof, wi all credits and set-offs thereon. The owner, part owner, lessee shall not be liable to the subcontractor, or mater man, or laborer for any greater amount than he contract to pay the original contractor, but the risk of all payme made to the original contractor, after such owner, pa owner, or lessee, shall have received the notice before me tioned, shall be upon such owner, part owner, or lessee, a no payments made to any contractor after receiving sa aforesaid notice shall defeat any lien of any subcontract material men, or laborers.

Penalty for wrongful use of material purchased by contractor.

Sec. 3184*c*. Any contractor or subcontractor w shall purchase materials on credit, and represent at the ti of purchase that the same are to be used in a designat building, or other improvements, and shall thereafter u or cause to be used the said materials in the constructio of any building, or improvements other than that des nated, without the written consent of the person from wh the materials were purchased, with intent to defraud su person, shall be deemed guilty of a misdemeanor, and conviction shall be punished by a fine not exceeding five hu dred dollars ($500.00).

Filing of lien.

Sec. 3185. Such person, in order to obtain such li shall within four months from the time of completion such labor, or furnishing such machinery, or material, with the recorder of the county where the labor was p formed, or the machinery or the material furnished, an a davit containing an itemized statement of the value a amount of such labor, machinery, or material, and a d scription of any promissory note or notes given for su labor, machinery or material, or any part thereof, with credits or offsets thereon, a copy of the contract, if it is writing, a statement of the amount and times of payme to be made thereunder and a description of the land which the gas well, oil well, or other wells, are situated, the land on which the house, mill, furnace, manufacto or other buildings or appurtenance, fixture, bridge, or oth structure may stand, or to which it may be removed, or which such tile for drainage purposes may have been use and the same shall be recorded in a separate book to be k therefor, and shall operate as lien from the date of the fi

item of the labor performed, or the machinery or material furnished, upon or toward the property designated in section 3184 and the interest of the owner in the lot, or land on which the same may stand, or to which it may be removed, for six years from and after the date and of the filing of such attested statement. If any action be brought to enforce such lien within that time, the same shall continue in force until the final adjudication thereof; and there shall be no homestead or other exemption against any lien under the provisions of this chapter.

Equality of liens upon same job.

Sec. 3188. If several liens be obtained by several persons, upon the same job, in the manner prescribed in the foregoing sections, they shall have no priority among themselves, and a lien of a promissory note described in any statement filed as provided in said sections shall take effect from the date of the first of the items, included in it; all payments on said liens shall be made pro rata.

Lien of notes.

Payments.

Payment; how applied, after notice provided in Sec. 3184.

Sec. 3194. The owner, officers, board, agent, or attorney of such owner, board, or officer, upon the receipt of the statement as provided for in section 3184, shall furnish the principal contractor or subcontractor with a copy thereof, within five days after receiving the same, and if such principal or subcontractor fail within five days thereafter to notify, in writing such owner, board, officer, clerk, agent, or attorney, of his intent to dispute such claim, he shall be considered as assenting to the correctness thereof; and thereupon subsequent payments under the contract shall be applied by such owner, his agent or attorney pro rata among the lien holders, and all such payments made by the owner, agent, or attorney, shall be considered as part payment on said contract between the owner or contractor.

Subcontractor's lien.

Sec. 3195. Such subcontractor, material men, mechanic, laborer or person so filing his statement with the owner, board, or officer, or authorized clerk, agent or the attorney of such owner, board, officer, a sworn copy thereof, with the county recorder as provided in sections 3185 and 3187, shall to the extent of any balance remaining unpaid upon the contract of the owner, board, or officers, with whom the same was made, have a lien to secure payment of the same, upon the boat, vessel, or other water craft, or upon the house, mill, manufactory, or other building, appurtenance, bridge, or other structure, or of any gas well, oil well or any other well, or upon the oil tank, oil derrick or gas pipe line, in or upon which the same was done or furnished, in the lot or land on which the same may stand, or to which it may be removed, which lien shall date back from the date of the furnishing of the first item of such labor, material, or machinery, and to be subject to the same obligations, with respect to the owner, or his authorized agent, as the lien of a head contractor, in similar cases; and for filing and making any copy of such statement or certificate of the date of such filing, the recorder shall be entitled to the same fees as are provided by law for like services in regard to chattel mortgages.

Owner may notify lien-holder to commence suit.

Sec. 3197. The owner of property on which a lien been taken under the foregoing sections may notify in w ing the owner of a lien or his agent, or attorney to c mence suit thereon; and if he fails to commence the within sixty days after receiving such a written notice, lien shall be null and void; but nothing herein contai shall prevent the claim from being collected as other cla are collected by law.

Disputed claim to be arbitrated.

Sec. 3200. If the head contractor disputes any s statement, or estimate of his said subcontractor, or mate man, or a subcontractor disputes the statement of any labo mechanic, or person furnishing him material so filed an cannot be adjusted between themselves, it shall be submit to the arbitration of three disinterested persons, one (1) be chosen by each of the parties, and one (1) by the t thus chosen, and their decision or that of any two of the selves, in the absence of fraud or collusion, be final and c clusive upon the parties.

Repeals.

SECTION 2. That sections 3184, 3184*c*, 3185, 318 3188, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 32 3202, 3203, 3204 of the Revised Statutes of the state Ohio, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in fo from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sen

Passed April 18, 1902. 127G

[House Bill No. 170.]

AN ACT

To amend section 4403*f* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of O

Physicians, dentists, druggists, etc.: Who regarded as practicing medicine or surgery.

SECTION 1. That section 4403*f* of the Revised S utes of Ohio, be amended so as to read as follows:

Sec. 4403*f*. Any person shall be regarded as prac ing medicine or surgery or midwifery within the mean of this act who shall use the words or letters, "Dr.," "D tor," "Professor," "M. D.," "M. B.," or any other title, connection with his name, which in any way represents as engaged in the practice of medicine or surgery or m wifery, in any of its branches, or who shall prescribe, who shall recommend for a fee for like use any drug medicine, appliance, application, operation or treatment, whatever nature, for the cure or relief of any wound, fr

ture or bodily injury, infirmity or disease. The use of any of the above mentioned words or letters, or titles in such connection, and under such circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine or surgery or midwifery in any of its branches, shall be deemed and accepted as prima facie proof of an intent on the part of such person to represent himself as engaged in the practice of medicine or surgery or midwifery, provided, however, that nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; and this act shall not apply to any commissioned medical officer of the United States army, navy or marine hospital service, in the discharge of his professional duties, nor to any legally qualified dentist when engaged exclusively in the practice of dentistry, nor to any physician or surgeon from another state or territory who is a legal practitioner of medicine or surgery in the state or territory in which he resides, when in actual consultation with a legal practitioner of this state, nor to any physician or surgeon residing on the border of a neighboring state, and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends into the limits of this state; providing, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state; nor to any osteopath who shall pass examination in the subject of anatomy, physiology, obstetrics and physical diagnosis in the same manner as is required of other applicants before the state board of medical registration and examination, and who has thereupon received a certificate from the board, which, when filed with the probate judge as is required in the case of other certificates from the board, shall authorize the holder thereof to practice osteopathy in the state of Ohio, but shall not permit him to administer drugs nor to perform major surgery. Provided, that all applicants to practice osteopathy, shall, before being admitted to examination before the state board of medical registration and examination, file with the board, accompanied with a fee of twenty-five dollars ($25.00), evidence of preliminary education as required by section 4403c, and a certificate from the osteopathic examining committee as hereinafter provided showing: First, that he holds a diploma or a physician's osteopathic certificate from a reputable college of osteopathy as determined by this committee; second, that he has passed examination in a manner satisfactory to the committee in the subjects of pathology, physiological chemistry, gynecology, minor surgery, osteopathic diagnosis, principles and practice of osteopathy. The state board of medical registration and examination shall within thirty days after the passage of this act, appoint upon recommendation of the Ohio Osteopathic society, three persons, one for one year, one for two years and one for three years, and their successors to be appointed for three years each, who shall constitute the osteopathic examining committee.

Emergencies or family remedies.

To whom act not applicable.

Osteopath; examination of.

Conditions of admission to examination.

Osteopathic examining committee; appointment of and term.

Qualifications of members.

Each person so appointed shall file with the state board medical registration and examination a certificate of Ohio Osteopathic society, a corporation duly organized a existing under the laws of the state of Ohio, setting fo that the person named in the certificate is a graduate o reputable college of osteopathy; that he has been engag in the practice of osteopathy in the state of Ohio for least one year; that he is of good moral character and t

Who may practice without examination.

he is in good standing in his profession. Any person gaged in the practice of osteopathy in this state at the ti of the passage of this act, who holds a diploma from a reg lar college of osteopathy as determined by the committ and who makes application to the state board of medi registration and examination within thirty days after t passage of this act, upon the payment of a fee of five doll ($5.00), shall receive a certificate from the board witho examination, which, when filed with the probate judge, is required in the case of other certificates from the boa shall authorize the holder thereof to practice osteopathy the state of Ohio, but shall not permit him to administ drugs nor to perform major surgery. The board may, its discretion, upon recommendation of the osteopathic co mittee and the payment by the applicant of a fee of fi dollars ($50.00) issue certificates without examination graduates of reputable schools of osteopathy who are good moral character, and who, for five years or more, ha been engaged in the practice of osteopathy in any oth

Penalty for non-compliance with this act.

state. Any person announcing or advertising himself as osteopath, who has not complied with the provisions of t act, shall be subject to the penalties provided in secti 4403*g*. This committee shall meet at the office of the boa at such time as the board may direct whenever there a applications for osteopathic certificates to be acted upo but shall take no part in the deliberations of the board, a the compensation of its members shall be the same as members of the board, and shall be paid in the same wa

Repeals, etc.

SECTION 2. Section 4403*f* of the Revised Statutes Ohio is hereby repealed and this act shall take effect a be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representative
CARL L. NIPPERT,
President of the Senat

Passed April 21, 1902. 128G

[House Bill No. 477.]

AN ACT

To amend section 953 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 953 of the Revised Statutes of Ohio be amended so as to read as follows:

County commissioners; Hamilton county:

Clerk to give bond.

Sec. 953. The clerk when appointed, previous to entering upon the duties of his office, shall give a bond to the state, with two or more sureties, to the acceptance of the probate judge of the county in the sum of two thousand dollars, conditioned for the faithful discharge of the duties of his office, which bond with his oath of office endorsed thereon shall be deposited with the treasurer of the county, who shall record and faithfully preserve the same in his office. The clerk of the board shall hold his office for the term of one year, or until his successor is elected and qualified, and shall be entitled to receive such salary as the board of commissioners of said county shall designate, not to exceed the sum of twenty-five hundred ($2,500) dollars per annum; he shall be provided with a seal of office, in the center of which shall be the name of the county and around the margin the words, board of county commissioners. The board shall have power at any regular meeting to fill the vacancy of the clerk for the unexpired term caused by death, resignation, removal or otherwise. Transcripts, orders and certificates, when duly certified to by the president of the board and the clerk, with the seal attached, shall be received as evidence in any court of the state, and for the same similar fees shall be paid the clerk as are allowed county officials for like services, and all sums thus received shall be by said clerk entered in a book to be kept for that purpose, and the gross amount thus received shall by him be paid into the county treasury, and credited to the fee fund; but when any such transcripts, orders and certificates are prepared on behalf of the county, by order of the commissioners, no fee shall be allowed.

Oath.

Term and salary.

Seal.

Vacancies.

Clerk's fees.

Disposition thereof.

SECTION 2. That said original section 953 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 129G

[House Bill No. 419.]

AN ACT

To amend sections 4759 and 4761 of the Revised Statutes of Oh

Be it enacted by the General Assembly of the State of Oh

Turnpikes:

SECTION 1. That section 4759 and 4761 of the R vised Statutes of Ohio be amended so as to read as follow

Manner in which road must be constructed.

Sec. 4759. The roads established and constructed u der this chapter shall be opened not more than sixty r less than forty feet wide, and at least twenty feet in wid shall be turnpiked with earth so as to drain freely to t sides, and raised with stone or gravel not less than ten n more than sixteen feet in width, nor less than 12 inch thick in the center, and not less than eight inches thick the outer edges of such bed of stone or gravel, well co pacted together in such manner as to secure a firm, ev and substantial road; but the commissioners may, in th discretion, cause the road to be constructed wholly of ear when stone or gravel is not accessible to the line of t road; in no case shall the grade of ascent or descent on t road be greater than seven degrees; the road shall be w provided with all necessary side drains, waste-ways and u derdrainings, to prevent overflowing or washing by wat and with substantial bridges or culverts at all crossings water-courses; which bridges and culverts shall be built a part of said road, and paid for out of said turnpike fun But any such bridges (substructure and superstructure clusive), the estimated cost of which exceeds five hundr dollars, shall be erected and let separate from the rest the work, in accordance with the provisions of chapter of title IV of the Revised Statutes of Ohio. The provisio of section eight hundred and seventy-seven, and section t thousand eight hundred and twenty-five and section t thousand eight hundred and thirty-four *b* (2834*b*) of t Revised Statutes shall not apply to the making of any of t improvements under this chapter.

Bridges and culverts.

Compensation and damages.

Sec. 4761. When said commissioners and the own or owners fail to agree as to the amount of compensati and damages, then the same shall be ascertained and det mined by the board of county commissioners, and if s board of county commissioners and the owner or own fail to agree as to the compensation and damages, or wh the owner is unknown, nonresident, not personally served writing with amount of compensation and damages tende him or them by the county commissioners, or incapable contracting, then the same shall be ascertained and adjust by proceedings had in the name of the county comm sioners, under the law providing for the appropriation private property by cities and villages; provided, howev when any owner or owners not unknown, or not nonre dent, who have not been personally served in writing w amount of compensation and damages tendered him them by the county commissioners, or not legally incapa

Filing amount to save costs.

tated from entering into a contract, and said commissioners fail to agree as aforesaid, they shall cause to be filed with the proceedings brought in the name of the county commissioners, the amount of compensation and damages by them tendered in writing to such owner or owners, and unless said owner or owners shall be allowed by the jury in said proceeding, compensation and damages in excess of the amount allowed and tendered by said commissioners, then said owner or owners shall pay all costs made in said proceedings in the name of the board of county commissioners; and the county commissioners may authorize the viewers or commissioners by them appointed to locate the road upon the whole or any part of any state, county, or township road heretofore laid out and established within the county, and widen, alter, change, or vacate the same, or any part thereof, subject to the rules as to compensation for property appropriated as aforesaid.

Locating over other roads.

SECTION 2. That said sections 4759 and 4761 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 130G

[House Bill No. 398.]

AN ACT

To amend section 4489 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4489 of the Revised Statutes of Ohio be amended so as to read as follows:

County ditches:

Sec. 4489. The commissioners, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be thereafter required, shall proceed to establish the route; if the route proposed is upon a line or subdivision of sections where a public road may be required, and in all cases in which the route proposed is along highways already established, the commissioners shall locate the improvement at a sufficient distance from the center of such highways to admit of a good road along such central line; the earth taken from the ditch may be thrown upon the adjoining premises or the highway, as the commissioners shall determine and order,

When a change of route authorized.

and no part of such earth shall be placed nearer to the than two feet; and the commissioners, in locating d shall in all cases, so far as practicable, avoid runnir same diagonally across sections or parts of sections.

Repeals.

SECTION 2. That said section 4489 of the R Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in from and after its passage.

W. S. MCKINNON,
Speaker of the House of Represent
CARL L. NIPPERT,
President of the S

Passed April 21, 1902. 131G

[Senate Bill No. 48.]

AN ACT

To amend sections (4029-1), (4029-2), (4029-3), and (40 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of

Boxwell examination:

SECTION 1. That sections (4029-1), (40 (4029-3), and (4029-4), of the Revised Statutes of be amended to read as follows:

Examination for entering high school.

Sec. 4029-1. Each board of county school exar shall hold examinations of pupils of township, specia joint subdistricts in the subjects of orthography, re writing, arithmetic, English grammar and compo geography, history of the United States including civi

Number of examinations; when and where.

ernment, and physiology. Two such examinations sh held annually, one on the third Saturday in April, an on the second Saturday in May, at such place or pla

Preparation of questions.

the county board of examiners may designate. The tions for all such examinations, throughout the state, be uniform and be prepared under the direction of the commissioner of common schools, and sample lists sh mailed, under seal, to the clerks of the said boards of iners not less than ten days before each examination. receipt of said lists, the said boards are authorized a quired to have a sufficient number of copies of the printed for use at the examination. Only such appl as receive an average grade of seventy per cent., wi grade less than fifty per cent. in any branch shall be p

Township commencement.

It shall be the duty of the township boards of edu upon written notice, filed by a successful applicant, wi clerk of the board of education, to provide for hold township commencement not later than the month of at some place within the civil township, and to appoint suitable person to have charge of the same. At this mencement each successful applicant residing in the ship school district or any special or joint subdistrict h

its school house located within the civil township of which the township district forms a part, shall be required to deliver an oration or declamation, or read an essay; thereupon said board of education shall issue a certificate to each successful applicant, stating that said applicant has taken part in said commencement. The board of county school examiners shall provide for the holding of a county commencement not later than August fifteenth, at such place as it may determine. At this commencement there shall be delivered an annual address, at the conclusion of which a diploma shall be presented to each successful applicant who has complied with the provisions of this act; said diploma shall entitle the holder thereof to enter any high school in the state.

County commencement; diploma.

Sec. 4209-2. The compensation of county examiners shall be the same as that fixed in section 4075 of the Revised Statutes of Ohio for the examination of teachers, and each member of the said board of examiners shall be allowed the minimum fee provided for holding examinations for teachers as remuneration for his services incident to the county Boxwell commencement, and such compensation and the necessary expenses incident to the examination and county commencement shall be paid out of the county treasury as provided in said section 4075; no extra compensation shall be allowed to county examiners for holding the county commencement. The expenses incident to the township commencement shall be paid by the township board of education from the contingent fund of the township district, and when the pupils of special districts take part in such commencements the boards of education of such districts shall pay, from their contingent funds, to the township board of education their share of such expenses, such share to be based on the proportion of pupils, from each district, taking part in such commencements; a proportional share for pupils from joint subdistricts, taking part in such commencements, shall be paid from the contingent fund of said joint subdistricts.

Compensation of examiners and contingent expenses.

Sec. 4029-3. The tuition of pupils holding diplomas and residing in township, special, or joint subdistricts, in which no high school is maintained, shall be paid by the board of education of the district in which they have legal school residence, such tuition to be computed by the month and an attendance any part of the month shall create a liability for the entire month; but a board of education maintaining a high school shall charge no more tuition than it charges for other nonresident pupils, and no board of education shall be required to pay the tuition of any pupil for more than four school years; provided the board of education shall be required to pay the tuition of all successful applicants, who have complied with the provisions of this act, residing more than three miles from the high school provided by said board, when said applicants attend a nearer high school.

Tuition.

The tuition of pupils residing in joint subdistricts shall be paid by the boards of education having control of such districts from the contingent funds of said districts. A board of education not maintaining a high school may enter into an agreement with one or more boards of education maintaining such school for the schooling of all its high school pupils, and when such agreement is entered into the board making the same shall be exempt from the payment of tuition at other high schools; provided the school or schools selected are located in the same civil township, or some adjoining township, as that of the board making the agreement. Where no such agreement is entered into, the school to be attended can be selected by the pupil holding a diploma; provided, due notice, in writing, is given to the clerk of the board of education of the name of the school to be attended and the date the attendance is to begin, said notice to be filed not less than five days previous to said beginning of attendance. Said tuition can be paid from either the tuition or contingent funds, and in case the board of education deems it necessary it may levy a tax of not to exceed two mills on each dollar of taxable property in the district or joint subdistrict in excess of that allowed by section 3959 of the Revised Statutes of Ohio; the proceeds of said levy shall be kept in a separate fund and applied only to the payment of such tuition.

What shall constitute a high school.

Sec. 4209-4. No board of education shall be entitled to collect tuition under this act unless said board shall be maintaining a regularly organized high school with a course of study extending over not less than two years and consisting mainly of branches higher than those in which the pupil is examined. Should the question arise as to the standing or grade of any particular high school, the state commissioner of common schools is hereby authorized to determine the grade of such school and his finding in the case shall be final.

Repeals, etc.

SECTION 2. That sections (4209-1), (4029-2), (4029-3), and (4029-4), of the Revised Statutes of Ohio, are hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 132G

[House Bill No. 275.]

AN ACT

To amend section 3921 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3921 of the Revised Statutes of Ohio be amended so as to read as follows:

Township and special districts:

Map of township districts.

Sec. 3921. A map of each township district, designating the number and boundaries of the subdistricts thereof, shall be prepared by the board of education and entered upon its records on or before August 31, 1902; the board may, by a majority vote of all the members composing the board at any regular session, increase or diminish the number, or change the boundaries of subdistricts, a map designating such changes to be entered upon its records.

Suspension of school in subdistrict or joint subdistrict.

Conveyance of pupils to other district; cost thereof.

Any township board of education or the board of education of any special district may, when, in its opinion, it will be for the best interests of the pupils in any or all subdistricts, or joint subdistricts under its control, suspend the school or schools in such subdistricts, or joint subdistricts, and thereupon the board shall provide for the conveyance of said pupils to some other public school or schools in the same or an adjoining district, the cost of conveying pupils from a subdistrict to be paid out of either the tuition or contingent funds of said township district, the cos. of conveying pupils from a joint subdistrict to be paid out of either the tuition or contingent funds of such joint subdistrict. The cost of conveying pupils to and from schools in special districts shall be paid out of the contingent fund of such special district. When the pupils of a joint subdistrict are conveyed to other schools the tuition of such pupils shall be paid from either the tuition or contingent funds of such joint subdistrict to the board of education having control of the schools attended, such tuition to be computed as a pro rata share of the per capita current expense of running the school attended, on the basis of the total enrollment of such school, the computation to be made by the month, and an attendance by a pupil, so conveyed, any part of a month shall create a liability for the entire month; provided, that when such attendance is at a subdistrict school the expense and enrollment of such subdistrict school shall be the basis of such computation. When the pupils of a subdistrict are conveyed to a joint subdistrict school the tuition shall be paid from either the tuition or contingent funds of the township district, in which such subdistrict is situated, to said joint subdistrict and shall be computed as provided above. Provided the conveyance for the transportation of such pupils be required to pass within a distance of three-fourths of a mile from their respective residences, except where such residence is situated more than three-fourths of a mile from the public road. The suspension of a subdistrict or joint subdistrict school, as provided by this section, does not affect the rights of the director of such subdistrict or joint subdistrict as a member of the township board of education.

Tuition.

Repeals, etc.

SECTION 2. That said section 3921, as it now exists, be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 22, 1902. 133G

[House Bill No. 732.]

AN ACT

To supplement section 3821, and repeal section 3641*d*, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Savings and loan associations:

SECTION 1. That section 3821 of the Revised Statutes of Ohio be further supplemented by an additional section as follows:

Title guarantee and trust companies; powers of.

Sec. 3821*ggg*. A title guarantee and trust company shall have power to prepare and furnish abstracts and certificates of title to real estate, bonds, mortgages and other securities, and to guarantee such titles and the validity and due execution of such securities, and the performance of contracts incident to such powers; to make loans for itself or as agent or trustee for others, and to guarantee the collection of interest and principal of such loans; to take charge of and sell, mortgage, rent or otherwise dispose of real estate for others, and to perform all the duties of an agent relative to property deeded or otherwise entrusted to it.

Amount of capital stock required. Deposit with treasurer of state.

Provided, however, that no such company shall do business until the capital stock of said company shall amount to five hundred thousand dollars fully paid up, and until such company shall have deposited with the treasurer of state two hundred and fifty thousand dollars in the securities permitted by sections 3637 and 3638 of the Revised Statutes of Ohio, and with the exception of the deposit aforesaid said capital shall be invested as the board of directors of said company may prescribe. The treasurer of state shall hold such fund or securities deposited with him as security for the faithful performance of all guarantees entered into by said company, but so long as said company shall continue solvent said treasurer shall permit it to collect the interest on, or dividends on, its securities so deposited, and from time to time withdraw such securities, or any part thereof, on depositing with him cash or other securities of the kind heretofore named so as to maintain the value of said deposit at two hundred and fifty thousand dollars.

Transfer of deposit with superintendent of insurance to treasurer of state.

Any company heretofore organized for the purposes of guaranteeing the titles to real property, which may have made deposits with the superintendent of insurance, as required in section 3641*d* of the Revised Statutes of Ohio,

may request said superintendent to transfer said deposit to the treasurer of state, whereupon he shall transfer all securities of such company so held by him to the treasurer of state, taking his receipt therefor.

Reports to auditor of state.

Title guarantee and trust companies shall make such reports to the state auditor as are required of safe deposit and trust companies and shall be subject to the same examinations and penalties as such companies; and it is hereby expressly provided that all companies doing the business of guaranteeing titles to real property shall comply with and be governed by the provisions of this act, and section 3641 of the Revised Statutes of Ohio shall not apply to such companies.

Repeals.

SECTION 2. That section 3641*d* of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 22, 1902. 134G

[House Bill No. 934.]

AN ACT

Authorizing the levy of taxes in municipalities to provide for firemen's, police and sanitary police pension or relief funds, and to create and perpetuate boards of trustees for the administration of such funds.

Be it enacted by the General Assembly of the State of Ohio:

Trustees of the firemen's pension fund.

SECTION 1. (*a*) In any municipal corporation in this state having, or which may hereafter have, a fire department supported in whole or in part at the public expense, the council, board of legislation or other legislative body may, by ordinance, declare the necessity for the establishment and maintenance of a firemen's pension fund for the purposes hereinafter enumerated; and thereupon there shall be created a board of trustees in the manner herein provided, who shall be known as the "Trustees of the firemen's pension fund," and who shall administer and distribute the fund authorized to be raised by this section.

How board chosen.

(*b*) The board of trustees of the firemen's pension fund shall consist of the board or officer having charge or control of the fire department in any municipal corporation availing itself of the provisions of this section, and five other persons, members of the fire department of such municipal corporation, to be chosen as follows: The board or officer having charge or control of the fire department shall give notice of an election to be held on the second Monday of the month following the determination of said board or offi-

cer to create a firemen's pension fund under the auth
of this section; said notice shall be by posting the sam
a conspicuous place at the headquarters of said departm
and at the houses of the several companies composing
same; each person in the fire department, who, by its r
is designated as a member thereof, shall, between the h
of nine o'clock in the forenoon and six o'clock in the a
noon on the day designated, send or cause to be sent
mail or otherwise, in writing, the names of five pers
members of such department, who shall be the choic
the member so voting; and all votes so cast shall be cou
and canvassed by the board or officer having charge or
trol of the said fire department, who shall announce the
sult, and the five members of the fire department recei
the highest number of votes shall become members of
board of trustees of the firemen's pension fund for the

Tie vote.

suing year. In case of a tie vote being received by any
persons for the office of trustee, such tie vote shall be dec
by casting lots, or in any other way which may be ag

Term of members.

upon by the persons for whom such tie vote was cast.
members so elected shall serve for one year and until t
successors are elected, and the election for such mem
of the board of trustees shall be held annually upon the
ond Monday of the same month upon which the first e

Vacancy.

tion occurs. In case of a vacancy by death, resignatio
otherwise among the five members so elected, the rem
ing member or members so elected shall choose the suc
sor or successors until the next annual election; provi
that upon the petition of a majority of the members of
fire department in any such municipality, the board or
cer having charge or control of said department may de
nate a less number than five members of said departm

Officers of board.

to be elected trustees of said firemen's pension fund.
presiding officer of the board having charge or contro
the fire department, or the officer in charge or contro
said department, shall be president of the board of trus
of the firemen's pension fund created under this sect
and the secretary, clerk or corresponding officer of the
department shall be secretary of said board of trustee
the firemen's pension fund, and in case there be no se
tary, clerk, or corresponding officer of said fire departm
the board of trustees of the firemen's pension fund s
appoint the secretary of their board. It shall be the d
of such secretary to keep a full record of all the proceedi
of the board of trustees of the firemen's pension fund,
said trustees may fix his compensation for this work, wh
shall be paid out of said pension fund.

Firemen's pension fund; how created.

(*c*) In every municipality availing itself of the p
visions of this section, there shall be a firemen's pens
fund, which shall be maintained as follows: The cou
board of legislation, or other legislative body of such
nicipality, are hereby authorized to levy annually at
time and in the manner provided by law for other munici
levies, and in addition to all other levies authorized by l

a tax of not more than three-tenths of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality, and in the matter of such levy the board of trustees of the firemen's pension fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided, that a failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipality in the making of such levy, shall not limit the power of the council, board of legislation or other legislative body to make said levy; and provided further, that in case the council, board of legislation, or other legislative body, shall fail in any year to make the levy herein authorized, then and in that event, there shall be passed to the credit of the firemen's pension fund such portion of the tax raised under sections 4364-9 to 4364-17, inclusive, of Bates' Revised Statutes of Ohio, required in such sections to be passed to the credit of the general fund in any such municipality, as will equal the amount that would be realized from a three-tenths of a mill levy on each dollar upon all the real and personal property as listed for taxation in such municipality; provided, that such portion so used of the tax raised under said sections 4364-9 to 4364-17 inclusive shall not exceed sixteen-thirtieths of the amount of said tax required in such sections to be passed to the credit of the general fund in any such municipality. All fines imposed upon any member of the fire department in any such municipality by way of discipline or punishment by the board or officer having charge or control of said department, and all proceeds of suits for penalties for the violation of any statute of this state, or ordinance of such municipality, with the execution of which the fire department is charged, and license or other fees payable under the same, shall be credited to said pension fund; and the board of trustees of said fund are authorized to take by gift, grant, devise or bequest, any moneys or real or personal property, upon such terms as to the investment or expenditure thereof, as may be fixed by the grantor or determined by said trustees. The trustees of the firemen's pension fund may also receive such uniform amounts from each person designated by the rules of the fire department a member thereof, as he may voluntarily agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pension which may be granted to such persons or their beneficiaries.

Who custodian of fund; bond.

(*d*) The treasurer of every municipality having a firemen's pension fund shall be the custodian of said fund, and shall pay out the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, and in such sum and form as shall be satisfactory to said board of trustees.

How fund invested.

(*e*) The board of trustees of said pension fund may invest any moneys received by them other than those raised by taxation under this section, in interest bearing bonds of the United States, of the state of Ohio, or of any county, township, school district or municipal corporation in this state. Said board of trustees shall make a report to the council, board of legislation, or other legislative body of the municipality, of the condition of said fund on the first day of January of each year.

Rules and regulations.

(*f*) The board of trustees of the firemen's pension fund shall make all rules and regulations for the distribution of said fund, including the qualifications of those to whom any portion of said fund shall be paid, and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the board or officer having charge or control of the fire department in any such municipality.

Who beneficiaries of fund.

(*g*) All persons drawing pensions or entitled to the same from existing firemen's pension funds, are hereby made beneficiaries in any pension funds created under this section in the same municipality where said persons are beneficiaries in said existing pension funds, and shall remain such, receiving such amounts and subject to such rules as govern the distribution of said existing firemen's pension funds. Upon the organization of any board of trustees of a firemen's pension fund created under this section, all moneys, credits, investments and property of every kind and description held by existing firemen's pension boards in any municipality where new boards are organized under this section shall by said existing boards be delivered, transferred and conveyed to said new boards, and the said new boards created under this section are hereby made the successors of the existing boards as to the ownership of all such property.

Upon organization board shall become successor of similar board now existing in any municipality.

Trustees of the police relief fund.

SECTION 2. (*a*) In any municipal corporation in this state having, or which may hereafter have, a police department supported in whole or in part at the public expense, the council, board of legislation or other legislative body may, by ordinance, declare the necessity for the establishment and maintenance of a police relief fund for the purposes hereinafter enumerated; and thereupon there shall be created a board of trustees in the manner herein provided, who shall be known as the "trustees of the police relief fund," and who shall administer and distribute the fund authorized to be raised by this section.

How board chosen.

(*b*) The board of trustees of the police relief department shall consist of the police commissioners or other board or officer having charge or control of the police department in any municipal corporation availing itself of the provisions of this section, and five other persons, members of the police department of such municipal corporation, to be chosen as follows: The police commissioners or other board or officer having charge or control of the

police department, shall give notice of an election to be held on the second Monday of the month following the determination of said police commissioners or other board or officer to create a police relief fund under the authority of this section; said notice shall be by posting the same in a conspicuous place at the headquarters of said department, and at the various station houses within the municipality; each person in the police department, who, by its rules, is designated a member thereof, shall, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the day designated, send or cause to be sent, by mail or otherwise, in writing, the names of five persons, members of such department, who shall be the choice of the member so voting; and all votes so cast shall be counted and canvassed by the police commissioners or other board or officer having charge or control of the said police department, who shall announce the result, and the five members of the police department receiving the highest number of votes shall become members of the board of trustees of the police relief fund for the ensuing year. In case of a tie vote being received by any two persons for the office of trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the persons for whom such tie vote was cast. The members so elected shall serve for one year and until their successors are elected, and the election for such members of the board of trustees shall be held annually upon the second Monday of the same month upon which the first election occurs. In case of a vacancy by death, resignation or otherwise among the five members so elected, the remaining member or members so elected shall choose the successor or successors until the next annual election; provided, that upon the petition of a majority of the members of the police department in any such municipality, the police commissioners or other board or officer having charge or control of said department, may designate a less number than five members of said department to be elected trustees of said police relief fund. The presiding officer of the police commissioners or other board having charge or control of the police department, or the officer in charge or control of said department, shall be the president of the board of trustees of the police relief fund created under this section, and the secretary, clerk or corresponding officer of the police department shall be secretary of said board of trustees of the police relief fund, and in case there be no secretary, clerk or corresponding officer of said police department, the board of trustees of the police relief fund shall appoint the secretary of their board. It shall be the duty of such secretary to keep a full record of all the proceedings of the board of trustees of the police relief fund, and said trustees may fix his compensation for this work, which shall be paid out of said relief fund.

Tie vote.

Term of members.

Vacancies.

Officers of board.

(c) In every municipality availing itself of the provisions of this section, there shall be a police relief fund,

Police relief fund; how created.

which shall be maintained as follows: The council, board of legislation, or other legislative body of such municipality are hereby authorized to levy annually at the time and in the manner provided by law for other municipal levies, and in addition to all other levies authorized by law, a tax of not more than three-tenths of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality, and in the matter of such levy the board of trustees of the police relief fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided, that a failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipality in the making of such levy, shall not limit the power of the council, board of legislation, or other legislative bodies, to make said levy; and provided further, that in case the council, board of legislation, or other legislative body, shall fail in any year to make the levy herein authorized, then and in that event, there shall be passed to the credit of the police relief fund such portion of the tax raised under sections 4364-9 to 4364-17, inclusive, of Bates' Revised Statutes of Ohio, required in such sections to be passed to the credit of the general fund in any such municipality, as will equal the amount that would be realized from a three-tenths of a mill levy on each dollar upon all the real and personal property as listed for taxation in such municipality; provided that such portion so used of the tax raised by said sections 4364-9 to 4364-17 inclusive, shall not exceed thirteen-thirtieths of the amount of said tax required in such sections to be passed to the credit of the general fund in any such municipality; and provided further that in any municipality, having, or which may hereafter have, both a police relief fund and a sanitary police pension fund, the levy herein authorized for the maintenance of such police relief fund, by the council, board of legislation or other legislative body, shall not exceed five-twentieths of a mill on each dollar, upon all the real and personal property as listed for taxation in such municipality; and provided further, that in any such municipality the amount herein authorized to be credited to said police pension fund, out of the portion of the tax raised under sections 4364-9 to 4364-17, inclusive of the Revised Statutes, in case of a failure of the council, board of legislation or other legislative body to make the levy herein authorized, shall not exceed the amount that would be realized from a levy of five-twentieths of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality.

All fines imposed upon any member of the police department in any such municipality by way of discipline or punishment, by the police commissioners or other board or officer having charge or control of said department, all rewards, fees, proceeds of gifts and emoluments that may be allowed by the police commissioners or other board or officer having

charge or control of said police department, to be paid and given for or on account of any extraordinary service of any member of the force, and all moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be credited to said police relief fund; and the board of trustees are authorized to take by gift, grant, devise, or bequest any moneys or real or personal property, upon such terms as to the investment or expenditure thereof as may be fixed by the grantor or determined by said trustees. The trustees of the police relief fund may also receive such uniform amounts from each person designated by the rules of the police department a member thereof, as he may voluntarily agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pensions which may be granted to such persons or their beneficiaries, or in the discretion of the board of trustees of the police relief fund, the money derived from such monthly deductions may be used to relieve members of the force who contribute thereto when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death or for pensions when honorably retired from the force.

Who custodian of fund; bond.

(*d*) The treasurer of every municipality having a police relief fund shall be the custodian of said fund, and shall pay out the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, and in such sum and form as shall be satisfactory to said board of trustees.

Investment of fund.

(*e*) The board of trustees of said police relief fund may invest any moneys received by them other than those raised by taxation under this section in interest bearing bonds of the United States, of the state of Ohio, or of any county, township, school district or municipal corporation in this state. Said board of trustees shall make a report to the council, board of legislation, or other legislative body of the municipality, of the condition of said fund on the first day of January of each year.

Rules and regulations.

(*f*) The board of trustees of the police relief fund shall make all rules and regulations for the distribution of said fund, including the qualifications of those to whom any portion of said fund shall be paid, and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the police commissioners or other board or officer having charge or control of the police department in any such municipality.

Who beneficiaries of fund.

(*g*) All persons drawing pensions or enjoying or entitled to the same or other relief from existing police relief or pension funds, are hereby made beneficiaries in any police relief funds created under this section in the same municipality where said persons are beneficiaries in said existing police pension or relief funds, and shall remain such,

receiving such amounts and subject to such rules as gov
the distribution of said existing police pension or re
Upon organization board shall become successor of similar board now existing in any municipality.
funds. Upon the organization of any board of trustees
a police relief fund created under this section, all mone
credits, investments and property, of every kind and
scription held by existing police pension or relief boards
any municipality where new boards are organized under t
section, shall by said existing boards be delivered, tra
ferred and conveyed to said new boards, and the said n
boards created under this section are hereby made the s
cessors of the existing boards as to the ownership of all su
property.

Trustees of the sanitary police pension fund.
SECTION 3. (*a*) In any municipal corporation in t
state, having, or which may hereafter have, a sanitary pol
force, supported in whole or in part at the public exper
the council, board of legislation or other legislative bo
may, by ordinance, declare the necessity for the establi
ment and maintenance of a sanitary police pension fund
the purposes hereinafter enumerated; and thereupon th
shall be created a board of trustees, in the manner her
provided, who shall be known as the "Trustees of the sa
tary police pension fund," and who shall administer and d
tribute the fund authorized to be raised by this section.

How board chosen.
(*b*) The board of trustees of the sanitary police p
sion fund shall consist of the board or officer having cha
or control of the health department in any municipal c
poration availing itself of the provisions of this section, a
five other persons, members of the sanitary police force
such corporation, to be chosen as follows: The board
officer having charge or control of the health departm
shall give notice of an election to be held on the seco
Monday of the month following the determination of s
board or officer to create a sanitary police pension fu
under the authority of this section; said notice shall be
posting the same in a conspicuous place at the headquart
of said force; each person in the asnitary police force, w
by its rules, is designated a member thereof shall, betwe
the hours of nine o'clock in the forenoon and six o'cl
in the afternoon on the day designated, send or cause to
sent, by mail or otherwise, in writing, the names of f
persons, members of such sanitary police force, who sh
be the choice of the member so voting; and all votes
cast shall be counted and canvassed by the board or offi
having charge or control of the said health department, w
shall announce the result, and the five members of the sa
tary police force receiving the highest number of votes sh
become members of the board of trustees of the sanit
Tie vote.
police pension fund for the ensuing year. In case of a
vote being received by any two persons for the office
trustee, such tie vote shall be decided by casting lots, or
any other way which may be agreed upon by the pers
Term of members.
for whom such tie vote was cast. The members so elec
shall serve for one year and until their successors are elect
and the election for such members of the board of trust

shall be held annually upon the second Monday of the same month upon which the first election occurs. In case of a vacancy by death, resignation or otherwise among the five members so elected, the remaining member or members so elected shall choose the successor or successors until the next annual election; provided, that upon the petition of a majority of the members of the sanitary police force in any such municipality, the board or officer having charge or control of the health department may designate a less number than five members of said sanitary police force to be elected trustees of said sanitary police pension fund. The presiding officer of the board having charge or control of the health department, or the officer in charge or control of said department, shall be president of the board of trustees of the sanitary police pension fund created under this section, and the secretary, clerk, or corresponding officer of the health department shall be seceretary of the board of trustees of the sanitary police pension fund, and in case there be no secretary, clerk, or corresponding officer of said health department, the board of trustees of the sanitary police pension fund shall appoint the secretary of their board. It shall be the duty of such secretary to keep a full record of all the proceedings of the board of trustees of the sanitary police pension fund, and said trustees may fix his compensation for this work, which shall be paid out of said pension fund.

Vacancies.

Officers of board.

(*c*) In every municipality availing itself of the provisions of this section, there shall be a sanitary police pension fund, which shall be maintained as follows: The council, board of legislation, or other legislative body of such municipality are hereby authorized to levy annually, at the time and in the manner provided by law for other municipal levies, and in addition to all other levies authorized by law, a tax not exceeding one-sixtieth of a mill on each dollar upon all the real and personal property as listed for taxation in such municipality, and in the matter of such levy the board of trustees of the sanitary police pension fund shall be subject to all the provisions of law controlling the heads of departments in any such municipality, and shall fulfill all the duties required of such heads of departments; provided, that a failure of such board of trustees to act in the manner required by law of the heads of departments in any such municipality in the making of such levy shall not limit the power of the council, board of legislation, or other legislative body, to make said levy; and provided further, that in case the council, board of legislation, or other legislative body, shall fail in any year to make the levy herein authorized then and in that event there shall be passed to the credit of the sanitary police pension fund such portion of the tax raised under sections 4364-9 to 4364-17, inclusive, of Bates' Revised Statutes of Ohio, required in such sections to be passed to the credit of the general fund in any such municipality, as will equal the amount that would be realized from a one-sixtieth of a mill levy on each dollar upon all the real and personal property as listed for taxa-

Sanitary police pension fund; how created.

tion in such municipality; provided, that such portion so used, of the tax raised under said sections 4364-9 to 4364-17 inclusive, shall not exceed one-thirtieth of the amount of said tax required in such sections to be passed to the credit of the general fund in any such municipality. All fines imposed upon any member of the sanitary police force in any such municipality by way of discipline or punishment by the board or officer having charge of the health department, and all proceeds of suits for penalties for the violation of any statute of this state, or ordinances of such municipality with the execution of which the health department is charged, and license or other fees payable under the same, shall be credited to said pension fund; and the board of trustees of said fund are authorized to take by gift, grant, devise or bequest, any moneys or real or personal property, upon such terms as to the investment or expenditure thereof, as may be fixed by the grantor or determined by said trustees. The trustees of the sanitary police pension fund may also receive such uniform amounts from each person designated by the rules of the sanitary police force a member thereof, as he may voluntary agree to, to be deducted from the monthly pay of said person, and the monthly amounts so received shall be used as a fund to increase the pensions which may be granted to such persons or their beneficiaries.

Who custodian of fund; bond.

(*d*) The treasurer of every municipality having a sanitary police pension fund shall be the custodian of said fund and shall pay out the same upon the proper order of the board of trustees. Said treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, and in such sum and form as shall be satisfactory to said board of trustees.

Investment of funds.

(*e*) The board of trustees of said sanitary police pension fund may invest any moneys received by them other than those raised by taxation under this section in interest bearing bonds of the United States, of the state of Ohio or of any county, township, school district or municipal corporation in this state. Said board of trustees shall make a report to the council, board of legislation, or other legislative body of the municipality of the condition of said fund on the first day of January of each year.

Rules and regulations.

(*f*) The board of trustees of the sanitary police pension fund shall make all rules and regulations for the distribution of said fund including the qualifications of those to whom any portion of said fund shall be paid and the amount thereof; provided, that no such rules and regulations shall be in force until the same have been approved by the board or officer having charge or control of the health department in any such municipality.

Who beneficiaries of fund.

(g) All persons drawing pensions or entitled to the same from existing sanitary police pension funds, are hereby made beneficiaries in any pension funds created under this section in the same municipality where said persons are beneficiaries in said existing pension funds, and shall remain

such, receiving such amounts and subject to such rules as govern the distribution of said existing sanitary police pension funds. Upon the organization of any board of trustees of a sanitary police pension fund, created under this section, all moneys, credits, investments, and property of every kind and description held by existing sanitary police pension boards in any municipality where new boards are organized under this section, shall by said existing boards be delivered, transferred and conveyed to said new boards, and the said new boards created under this section are hereby made the successors of the existing boards as to the ownership of all such property.

Upon organization board shall become successor of similar board now existing in any municipaltiy.

SECTION 4. The following acts and all other acts, or parts of acts, inconsistent herewith, are hereby repealed: An act passed April 7th, 1893, entitled, "An act to amend sections 1 and 4 of an act entitled 'An act to create and perpetuate a board of trustees of the firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class,' passed March 16th, 1887, and as amended March 8th, 1889"; an act passed March 16th, 1887, entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class"; an act passed March 27th, 1889, entitled, "An act to create and perpetuate a board of trustees of the firemen's pension fund, and to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers and fathers of deceased firemen; to authorize the retirement from all service, or the relief from active service, and the pensioning of any such member of the fire department, and for the other purposes in connection therewith, in cities of the first grade of the first class"; an act passed April 14th, 1900, entitled, "An act to amend sections 2477-2, 2477-4, 2477-8 and 2477-14 of the Revised Statutes of the state of Ohio as enacted March 27th, 1889 (86 O. L., 149)"; an act passed April 18th, 1890, entitled, "An act to create and perpetuate a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and cadet employes and the widows and dependent children, mothers or fathers of deceased firemen and cadet employes; to authorize the retirement from all service of disabled members and cadet employes and all members after a service of twenty-five years, and the pensioning of such members of the said fire department; and for other purposes in connection therewith, in cities of the second grade of the first class, and to repeal the act of April 30th, 1886, creating such board"; an act passed April 13th, 1892, en-

Repeals.

titled, "An act to create and perpetuate a board of tru
of the firemen's pension fund, and to provide and distri
such fund for the pensioning of firemen, and the wi
and minor children and dependent mothers and fathe
deceased firemen; to authorize the retirement from
service, or the relief from active service, and the pen
ing of any such member of the fire department, and
other purposes in connection therewith, in cities in the
grade of the second class"; an act passed March 29th, 1
entitled, "An act to amend section 1 of an act entitled,
act to provide for the relief of disabled firemen in citi
the second grade of the first class,' as amended April 1
1881 (78 O. L., 137), and to amend sections 2 and 3 of
original act (77 O. L., 309)"; an act passed April 2
1896, entitled, "An act to create and perpetuate a boar
trustees of the firemen's pension fund; to provide and
tribute such fund for the pensioning of disabled firemen
the widows and minor children and dependent mother
fathers of deceased firemen in cities of the third grad
the second class"; an act passed April 25th, 1898, entit
"An act to create and perpetuate a board of trustees of
firemen's pension fund; to provide for the distributio
such fund, for the pensioning of disabled firemen and
widows and minor children of dependent mothers or fat
of deceased firemen in cities of the second class, third gr
A"; an act passed January 21st, 1889, entitled, "An ac
provide for the payment of one-half the taxes received f
foreign insurance companies, in counties containing a
of the first grade of the first class, to the police relief f
of such city (1903-1)"; an act passed April 7th, 1893,
titled, "An act to amend an act entitled 'An act to pro
for the payment of one-half the taxes received from fore
insurance companies in counties containing a city of
second grade of the first class, to the police department fu
to the police pension fund, and to the fire department p
sion fund,' passed March 22nd, A. D. 1893 (1945-1)";
act passed March 23rd, 1898, entitled, "An act to provide
the payment of the whole of the taxes received from fore
insurance companies in counties containing a city of the s
ond grade of the first class, to the fire department pens
fund, to the police department pension fund and to
sanitary police force pension fund of such cities (1945-2)
an act passed April 21st, 1898, entitled, "An act to ame
an act passed March 23rd, 1898, entitled, "An act to p
vide for the payment of the whole of the taxes recei
from foreign insurance companies in counties containi
a city of the second grade of the first class, to the fire
partment pension fund, to the police department pens
fund, and to the sanitary police force pension fund of su
cities (1945-2)"; an act passed February 23rd, 1898,
titled, "An act to provide for the payment of one-half
taxes received by cities of the third grade of the first cl
from foreign insurance companies, in counties containi
a city of the third grade of the first class, to the police p

sion fund of such city (1997-1)"; an act passed April 15th, 1900, entitled, "An act to provide for pensioning policemen in cities of the second grade of the second class"; an act passed February 9th, 1900, entitled, "An act to amend section 5 of an act entitled, 'An act to provide for the creation, maintenance and distribution of a policemen's pension fund in certain cities in which the tenure of office of members of the police department is during good behavior,' passed March 30th, 1898 (O. L., v. 93, 76)."

This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 135G

[House Bill No. 373.]

AN ACT

To amend section 5044 of the Revised Statutes of Ohio, relating to service of summons upon infants.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5044 of the Revised Statutes of the state of Ohio be amended as follows: Actual service:

When the defendant is a minor, the service of summons must be upon him, and also upon his guardian, or the father, or when neither can be found, upon the mother, or the person having the care of such infant, or with whom he lives, and the manner of service shall be the same as in the case of adults, and shall be made on said persons in the order named herein. Infants, how served.

SECTION 2. Section 5044 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 136G

[Senate Bill No. 179.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for the construction of sewers in cities of the third grade of the second class having a board of public affairs," passed April 15, 1889, (O. L., vol. 86, p. 360), as amended April 18, 1896, (O. L., vol. 92, p. 197).

Be it enacted by the General Assembly of the State of Ohio:

Sewers and assessments therefor:

SECTION 1. That section 1 of an act entitled, "An act to provide for the construction of sewers in cities of the third grade of the second class, having a board of public affairs," passed April 15, 1889 (O. L., vol. 86, p. 360), as amended April 18, 1896 (O. L., vol. 92, p. 197), be amended so as to read as follows:

Certain cities authorized to construct sewers and assess cost on abutting property.

Sec. 1. That in any city of the third grade of the second class having a board of public affairs or city council, the said board of public affairs or city council, shall have authority to construct sewers through any streets, avenues or alleys or parts thereof of the said city, and to certify to the said council of any such city the estimated cost of the said construction to the end, that the same shall be paid for and assessed upon the property abutting upon those streets, avenues or alleys, or the parts thereof through which said sewers may be constructed in accordance with the provisions of this supplement and in accordance with the various provisions of law now enacted or hereafter to be enacted applicable thereto and not inconsistent with this act. Provided, that before any such improvement shall be ordered by any such city council, there shall be filed with the city clerk a petition praying for the same, signed by the owners of a majority of the lots and lands to be assessed therefor counted in feet abutting upon the streets, avenues and alleys in which any such sewer is to be constructed.

Petition therefor.

Repeals, etc.

SECTION 2. Section 1 of an act, entitled, "An act to provide for the construction of sewers in cities of the third grade of the second class, having a board of public affairs," passed April 15, 1889 (O. L., v. 86, p. 360), as amended April 18, 1896 (O. L., v. 92, p. 197), be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 137G

[Senate Bill No. 23.]

AN ACT

To amend section 5023 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5023 of the Revised Statutes of Ohio be amended so as to read as follows:

Where action to be brought:

Sec. 5023. An action other than one of those mentioned in the four preceding sections, against a corporation created under the laws of this state, may be brought in the county in which such corporation is situated, or has or had its principal office or place of business, or in which such corporation has an office or agent, or in any county in which a summons may be served upon the president, chairman or president of the board of directors or trustees or other chief officer; but if such corporation is an insurance company, the action may be brought in the county wherein the cause of action, or some part thereof, arose; and if such corporation be organized for the purpose of mining or operating for petroleum oil or gas, either exclusively or in connection with other business, the action may be brought in any county where such corporation owns or operates a mine or a well for petroleum oil or gas, and the cause of action, or some part thereof, arose.

Actions against corporations other than those mentioned in sections 5019 to 5023; where to bring.

SECTION 2. Said original section 5023 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 138G

[House Bill No. 323.]

AN ACT

To amend sections 4086 and 4088 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4086 and 4088 of the Revised Statutes of Ohio be amended to read as follows:

Teachers' institutes:

Sec. 4086. A teachers' institute may be organized in any county, by the association of not less than thirty practical teachers of the common schools residing therein, who shall declare their intention in writing to attend such institute, the purpose of which shall be the improvement of such teachers in their profession; such institute shall elect annually, by ballot, a president, secretary, and one member of an executive committee, said member of the executive committee to serve for a term of three years; provided, that at

Organization of county teachers' institutes.

Election of officers.

Term.

the first annual election held after the organization of any institute, there shall be elected three members of the executive committee; the one receiving the highest number of votes to serve for three years; the one receiving the next highest number of votes to serve two years; and the one receiving the next highest number of votes to serve one year. The president and secretary of the institute shall be ex officio members of the executive committee and shall act as chairman and secretary of said committee.

Vacancies.

Any vacancy in the office of president, secretary, or member of the executive committee caused by death, resignation, removal from the county or other cause, may be filled by the executive committee, the person elected to fill such vacancy to serve until the next annual meeting of the institute. It shall be the duty of this executive committee to manage the affairs of the institute; which committee shall enter into a bond, payable to the state of Ohio, with sufficient surety, to be approved by the county auditor in double the amount of the institute fund in the county treasury, for the benefit of the institute fund of the county, and conditioned that the committee shall account faithfully for the money which will come into its possession, and make the report to the commissioner of common schools, required by section four thousand and eighty-eight, and such election of officers shall be held during the session of such institute and at time fixed by the executive committee thereof, of which election at least three days' notice shall be given the members of such institute by posting conspicuously in a room, where such institute is held, a notice of the time and place of holding such election and of the officers to be voted for at such election.

Duty of executive committee.

Bond.

When election to be held.

Report of secretary.

Sec. 4088. The secretary shall, within five days after the adjournment of the institute, report to the state commissioner of common schools the number of teachers in attendance at the institute, the names of instructors and lecturers attending said institute, the amount of money received and disbursed by the committee and such other information relating to the institute as the commissioner may require; the secretary may be allowed compensation not to exceed ten dollars for making such report and for his services as secretary, to be paid out of the institute fund of the county, but no other compensation shall be allowed any officer or member of the executive committee; on failure to make such report, the secretary shall forfeit and pay to the state the sum of fifty dollars.

His compensation.

Repeals, etc.

SECTION 2. Sections 4086 and 4088 of the Revised Statutes of Ohio are hereby repealed and this act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 139G

[House Bill No. 753.]

AN ACT

To amend section 2406-95 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2406-95 of the Revised Statutes of Ohio be amended so as to read as follows: Sewers and assessments therefor:

Sec. 2406-95. That in any city of the third grade of the second class having a board of public affairs or city council, the said board of public affairs or city council shall have authority to construct sewers through any streets, avenues or alleys or parts thereof of the said city and to certify to the said council of any such city the estimated cost of the said construction to the end, that the same shall be paid for and assessed upon the property abutting upon those streets, avenues or alleys, or the parts thereof through which said sewers may be constructed in accordance with the provisions of this supplement and in accordance with the various provisions of law now enacted or hereafter to be enacted applicable thereto and not inconsistent with this act. Provided that before any such improvement shall be ordered by any such city council there shall be filed with the city clerk a petition praying for the same signed by the owners of a majority of the lots and lands to be assessed therefor counted in feet abutting upon the streets, avenues and alleys in which any such sewer is to be constructed. Certain cities authorized to construct sewers and assess cost on abutting property. Petition therefor.

SECTION 2. That said original section 2406-95 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 140G

[Senate Bill No. 163.]

AN ACT

To amend section 1271 of the Revised Statutes, as amended March 8, 1889, as amended March 8, 1893, as amended February 26, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1271 of the Revised Statutes of Ohio, as amended March 8, 1889, as amended March 8, 1893, as amended February 26, 1896, be hereby amended so as to read as follows: Prosecuting attorney:

Assistant prosecuting attorneys in Hamilton county.

In Cuyahoga county.

Special assistants.

In Franklin county.

In Lucas county.

Salary.

Term.

Sec. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and a second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may appoint three assistant prosecuting attorneys, who shall also be assistant court soliciters. And said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county, on the warrant of the county auditor, such sum as the court may approve and order. In Franklin county the judges of the common pleas court residing therein may appoint a first assistant and a second and a third assistant prosecuting attorney. In Lucas county a majority of the judges of the court of common pleas residing therein may appoint an assistant prosecuting attorney. Such assistant prosecuting attorneys or assistant prosecuting attorneys shall be appointed as aforesaid only upon the nomination of the prosecuting attorney of such counties, respectively, and shall receive such salary as shall be fixed by the judges appointing them, not exceeding, in Hamilton county, twenty-five hundred dollars to the first assistant or eighteen hundred dollars to the second assistant; and not exceeding, in Cuyahoga county, twenty-five hundred dollars, nor less than two thousand dollars per annum and not exceeding, in Franklin county, two thousand dollars per annum to the first assistant prosecuting attorney, and fifteen hundred dollars per annum to the second assistant prosecuting attorney; and not exceeding, in Lucas county, eighteen hundred dollars per annum to the assistant prosecuting attorney. Such salary shall be paid out of the treasury of the respective counties on the warrant of the auditor of such county. The term of appointment for such assistant prosecuting attorneys or assistant prosecuting attorneys shall be one year from and after the day of appointment, and when there is a vacancy the appointing judges may renew the appointment as hereinbefore provided.

Repeals

SECTION 2. Said section 1271, as amended February 26, 1896, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NEPPERT,
President of the Senate.

Passed April 23, 1902. 141G

[House Bill No. 348.]

AN ACT

To approve the sectional numbering in the third edition of Bates' Annotated Ohio Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Bates Annotated Ohio Statutes (third edition) approved.

SECTION 1. That the sections, subsections and sectional references of acts of the general assemblies of this state, as now incorporated in the third edition of Bates' Annotated Ohio Statutes, be and the same are hereby approved; and the said edition of said statutes shall ever be held prima facie evidence of the laws of this state so far as they are contained in said edition, and all acts of the 75th general assembly which repeal, amend or supplement any statute by reference to the sections, subsections and sectional references as sections of Revised Statutes of Ohio, is hereby declared to mean as contained in said Bates' Statutes, and shall be held to repeal, amend or supplement the original acts.

SECTION 2. This act shall be in force and take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 142G

[House Bill No. 415.]

AN ACT

To amend sections 3713-7 and 3713-8 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations:

SECTION 1. That 3713-7 and 3713-8 of the Revised Statutes of Ohio, be amended so as to read as follows:

Trespass.

Sec. 3713-7. That whenever any person or persons, corporation or association, whether incorporated or otherwise, shall be possessed of, as owners, or shall have the lawful custody of any tract or parcel of land within this state, for the purpose of an agricultural or other fair grounds, or for the purpose of meetings of pioneers, or for public or private entertainments or other lawful assemblages, or for the protection of trees, plants and shrubs, or either of them, or the fruits and products thereof, or for any one or all of said purposes, it shall be unlawful for any person or persons to enter or go upon said grounds, either through or over any fence, or in any manner, without the consent and permission of the owner or owners thereof, or other person having lawful control of the same, or in violation of the regulations of the same; and, in case of the

holding a state, county, township, or independent fa
shall be unlawful for any person or persons to injure
lest, remove or in any way to disturb any exhibits or
erty of any kind contrary to the rules of the state, co
township or independent board or society, or industri
sociation, under the control and management of which
fair may be held.

Penalty.

Sec. 3713-8. Whoever shall wilfully, and in viol
of the provisions of section 3713-7 of the Revised Sta
of Ohio, enter or go upon any lands referred to in
section, or shall injure or destroy any tree, plant, shr
other property thereon, or shall take or carry away
fruit, nut or other thing of value, or shall wilfully da
or destroy any fence enclosing said lands, or shall in
molest, remove or in any way disturb any exhibit or
erty of any kind contrary to rules, shall on conviction th
be fined in any sum not exceeding three hundred d
nor less than five dollars, or be imprisoned in the ja
the proper county, or in any city, town, or village p
or lockup (when the offense shall have been comm
within the corporate limits thereof) for any period no
ceeding three months, and until said fine and costs are
or both fine and imprisonment, at the discretion of the c
and shall moreover be liable, in a civil action to the
damaged thereby, in double the value of the property t
carried away or destroyed, and in double the amount o
damage thereto, to be recovered before a justice of
peace or other court of competent jurisdiction.

Repeals, etc.

SECTION 2. That said original sections 3713-7
3713-8 of the Revised Statutes of Ohio be and the sam
hereby repealed, and this act shall take effect and be in
from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representa
CARL L. NIPPERT,
President of the Se

Passed April 23, 1902. 143G

[House Bill No. 746.]

AN ACT

To supplement section 2709 of the Revised Statutes of Ohio, sectional numbering 2709-1.

Be it enacted by the General Assembly of the State of C

Power to borrow money and issue bonds; Dayton:

SECTION 1. That section 2709 of the Revised utes of Ohio be supplemented by the enactment of su mental statute 2709-1, as follows:

When may be sold at private sale.

Sec. 2709-1. That whenever in any city of the se grade of the second class bonds of the corporation issued, and have been offered to the officers of the city

ing charge of its indebtedness in their official capacity, and said officers have refused to take all or any part of such bonds at par and accrued interest for the benefit of such corporation, sinking fund or debt, the board of city affairs of such city may, before advertising such bonds for sale, offer them to the trustees of the policemen's benefit fund of such city, and to the trustees of the firemen's relief fund of such city, at par and accrued interest, and if such offer be made, then only such part of such bonds as such trustees refuse to take, shall be advertised and sold at public sale, in accordance with section 2709 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
GARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 144G

[House Bill No. 205.]

AN ACT

To amend section 3692 of the Revised Statutes of Ohio

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3692 of the Revised Statutes of Ohio be amended so as to read as follows:

Ohio state board of agriculture:

Sec. 3692. There shall be held in the city of Columbus on the first Thursday after the second Monday in January, an annual meeting of the Ohio state board of agriculture, together with the president of each county agricultural society or the duly authorized delegate therefrom who shall for the time being be ex officio members of the state board of agriculture for the purpose of deliberation and consultation as to the wants, prospects and conditions of agriculture throughout the state; and at such meeting the several reports from the societies shall be delivered to the president of the state board of agriculture; provided that in any county having no agricultural society, the presidents of the farmers' institutes of the county, and holding meetings under the auspices and by the direction of the state board of agriculture, or a majority thereof, are hereby authorized and empowered to choose a representative to the annual meeting, who shall upon presentation of the proper certificates be entitled to all the privileges conferred on ex officio members by this section. At this annual meeting there shall be elected two members of the state board of agriculture whose term shall be five years and until their successors are elected. Only the presidents of county agricultural societies or the duly authorized delegates there-

Annual meeting of board.

Election of officers.

from and representatives chosen by the president of farm ers' institutes not members of the board shall be entitle to vote for members of the board.

Repeals.

SECTION 2. That section 3692 of the Revised Stat utes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in forc from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senat

Passed April 23, 1902. 145G

[House Bill No. 740.]

AN ACT

To authorize cities of the second class, fourth grade, to issue bonc for cemetery purposes.

Be it enacted by the General Assembly of the State of Ohio

Cities of second class, fourth grade, authorized to issue bonds for cemetery purposes.

SECTION 1. That the council of any city of the secon class, fourth grade, three-fourths of the whole number c members of council elected thereto concurring and decla ing the same to be necessary, be and it is hereby authorize and empowered to issue bonds of said city not exceedin in the aggregate the sum of five thousand dollars for th purpose of buying real estate and improving the same fc cemetery purposes.

Denomination, time, rate, etc.

SECTION 2. Such bonds shall be in such denomina tions, run for such length of time not exceeding twent years, and bear such rate of interest not exceeding six pe centum per annum, payable semi-annually, as such counc may by ordinance determine. Such bonds shall be desig nated cemetery bonds, shall be signed by the mayor and cit clerk of such city, and sealed with the seal of the corpora tion, and shall be advertised and sold in the manner nov or which may hereafter be, provided by law for the sa of municipal bonds, and the proceeds of the sale theree shall be applied exclusively to the purpose for which suc bonds are issued.

Tax levy.

SECTION 3. The council of any such city is hereb authorized, empowered and directed to levy and collec from time to time, upon all taxable property of said city a tax sufficient in amount to pay the principal and interes of any bonds which may be issued under authority of th act. Said tax to be levied and collected in the manner c levying and collecting other municipal taxes in the cor poration.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 146G

[House Bill No. 589.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio, as amended March 22, 1900; April 16, 1900, and February 18, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3959 of the Revised Statutes of Ohio be amended to read as follows:

School funds:

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class boards of education may levy for a period of five years and no longer, in addition to the seven mills, and the one mill for school-house sites and buildings, hereinafter provided for, a tax not to exceed one-half of a mill on the dollar of valuation of taxable property within said districts, which said levy shall be used for the purchase of school-house sites and the erection of school buildings thereon and for the equipment of the same and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings or for the equipment of the same such boards of education may issue certificates of indebtedness in anticipation of such levy payable at such times, and not exceeding one year from date of issue, as they may designate, but bearing no interest before maturity. Boards of education in all city districts, except cities of the first grade of the first class, by an affirmative vote of three-fourths of all the members elected, may levy, in addition to all taxes allowed by law to be levied, a tax not to exceed one mill on the dollar of valuation of taxable property within said district, which levy shall be used for the purchase of school-house sites, the erection of school buildings thereon and the payment of indebtedness created for such purposes, and for no other purpose whatever; and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable

Maximum levy in Cincinnati.

Cleveland.

Other city districts.

at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity.

Township, special and village districts.

In all township, special, and village districts in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property in the district.

All other districts.

In all school districts not herein provided for, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property in the district.

When and for what purpose greater tax may be levied.

A greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 of the Revised Statutes of Ohio, if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by a majority of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof, in five of the most conspicuous places in the district, for a like period, if no such paper is published therein.

Repeals, etc.

SECTION 2. Section 3959 of the Revised Statutes of Ohio, as amended March 22, 1900; April 16, 1900, and February 18, 1902, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 147G

[House Bill No. 789.]

AN ACT

To provide for an inspection and examination of the public institutions of the state.

Be it enacted by the General Assembly of the State of Ohio:

Inspection and examination of public institutions.

SECTION 1. A thorough and critical inspection and examination shall be made not less than six times each year of the financial transactions of all the public institutions of the state, and also such further inspection and examination of said institutions shall be made as may be deemed necessary by the governor and auditor of state, in order to provide a more efficient management of the affairs of said institutions.

Auditor of state to appoint inspector.

The auditor of state is hereby authorized and required to appoint a competent person, who shall employ all his time in making the inspections and examinations herein provided for and of the monthly financial statements now required by law to be filed by the officers of said insti-

tutions with the auditor of state. Such inspections and examinations shall be made without giving any previous knowledge or notice of such intended inspections or examinations to any person, official or board connected with such institutions, whose books are to be inspected; and said inspector shall report the result of such inspections and examinations to the auditor of state.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 148G

[House Bill No. 703.]

AN ACT

To amend section 1709*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1709*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Officers of cities and villages; Cincinnati.

Sec. 1709*a*. In cities of the first grade of the first class the mayor, auditor, treasurer, police judge, corporation counsel, prosecuting attorney, and clerk of the police court shall each serve three years; and the city clerk shall serve three years provided that the incumbents of all of said offices, except comptroller and city solicitor, both in cities which now are, and in those which may hereafter become cities of said class and grade, shall hold the same until the expiration of the terms of office for which they were respectively elected or appointed without change of compensation, and if the term of office of any such incumbent expire, whether from death, resignation or otherwise, before the time for holding such a general municipal election as provided in section 1708*a*, the vacancy thus caused and created shall be filled by the mayor with the advice and consent of the board of legislation, such appointee for such vacancy to hold until his successor, to be elected at the next following general municipal election for the election of mayor, auditor, treasurer, police judge, clerk of police court and corporation counsel, shall have been elected and qualified. Upon the election of the auditor and corporation counsel as herein provided, the offices of city solicitor and comptroller shall cease and determine, and the auditor and corporation counsel shall in all respects be deemed successors of the comptroller and city solicitor, and, except as herein otherwise provided, shall perform the same duties, and have the same powers now conferred upon or required of the comptroller or city solicitor. The said officers, ex-

Terms.

Vacancies.

Offices abolished.

Salaries.

cept incumbents, holding over as aforesaid, shall re
yearly salaries as follows: Mayor, $6,000; auditor, $5,
corporation counsel, $5,000; treasurer, $3,500; the ju
prosecuting attorney, and clerk of the police court, the
aries which now are or may hereafter be prescribed by
and the city clerk, $3,500; which said several salaries
be payable in monthly installments, and shall not be
creased or diminished during the term of office of an
said officers, and none of said officers shall receive
Disposition of fees. other or further compensation whatsoever. The com
sation of all officers shall be stated by salary; and all
and perquisites authorized by law or ordinance shal
paid into the city treasury, and unless otherwise provi
shall be credited to the general fund.

Repeals, etc. SECTION 2. That said section 1709a of the Rev
Statutes of Ohio be and the same is hereby repealed and
act shall take effect and be in force from and after
passage.

W. S. MCKINNON,
Speaker of the House of Representat
CARL L. NIPPERT,
President of the Se

Passed April 23, 1902. 149G

[House Bill No. 333.]

AN ACT

To amend sections 4364-42, 4364-43, 4364-44 and 4364-45 of the
vised Statutes of Ohio.

Be it enacted by the General Assembly of the State of O

Labels and marks: SECTION 1. That sections 4364-42, 4364-43, 436
and 4364-45 of the Revised Statutes of Ohio be amen
so as to read with sectional numbering as follows:

Registration of names or other marks of ownersip upon bottle or other vessel. 4364-42. Any person or persons engaged in
selling of any merchandise, food or beverage in bottle
other vessels, and having a name or names, or other m
of ownership stamped or in any manner designated
such bottles or vessels, or upon covers or stoppers or
attachments of the same, or upon boxes or receptacles
for the handling or transportation of the same, may fi
the office of the secretary of state a copy or descriptio
such name or names or marks of ownership so use
Publication. them, and cause a certified copy of such filing to be
lished once a week for four successive weeks in a n
paper printed in the English language in the county wh
their principal place of business is located, and if thi
in a county where a German newspaper is printed, als
a newspaper printed in the German language, or if t
be no such principal place of business in the state, the
a newspaper printed in the English language and in a n
paper printed in the German language in any county in
state.

Unlawful to use such bottles or vessels, without consent of owner.

Sec. 4364-43. It shall hereafter be unlawful for any person or persons without the written consent of the owner or owners thereof, to fill or cause to be filled any such stamped or designated bottle or vessel, with intent to use or sell the same or contents thereof, or to use, buy, sell or wantonly destroy, or to receive with intent to use or sell, any such stamped or designated bottle or vessel, whether filled or not, or the stamped or designated cover or stopper or other attachment belonging thereto, or any such stamped or designated box or receptacle used for handling or transportation of such bottles or vessels, or to cause the same to be so used, bought, sold, wantonly destroyed or received. The using buying or selling by any person or persons, or the possession by any person or persons without the written consent of the rightful owner, of any such stamped or designated bottle or vessel, or stamped or designated cover or stopper or attachment belonging thereto, or of any such stamped or designated box or receptacle used for handling or transportation of such stamped or designated bottles or vessels, shall be prima facie evidence of the unlawful use and receiving thereof as prohibited in this act.

The requiring, taking or accepting of any deposit for the return of any such stamped or designated bottle or vessel, or cover or stopper or attachment belonging to same, or box or receptacle used for handling or transportation of same, or the demanding or accepting of any compensation for the nonreturn of any of such property, shall not be deemed a sale of such property, either optional or otherwise, in any proceeding under this act.

Penalty.

Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall be punished before any court of competent jurisdiction for the first offense by a fine of fifty cents for each and every such bottle or vessel so filled, or each and every bottle, vessel, stopper, attachment, box or receptacle so used, bought, sold, destroyed or received, or caused to be sold, used, bought, destroyed or received, contrary to the provisions of this act, or by imprisonment not less than ten days nor more than thirty days, or by both such fine and imprisonment, and for each subsequent offense by a fine of not less than one dollar nor more than five dollars for each and every such bottle or vessel so filled or caused to be filled, or each and every bottle, vessel, cover, stopper, attachment, box or receptacle so used, bought, sold, destroyed or received, or caused to be so sold, used, bought, destroyed or received, contrary to the provisions of this act, or by imprisonment not less than twenty days nor more than sixty days, or by both such fine and imprisonment.

Search warrant may be issued on affidavit of owners of bottles or other vessels.

Sec. 4364-44. In case the owner or owners, having complied with the provisions of section 4364-42 of the Revised Statutes of Ohio, or the agent of such owner or owners, shall make oath in writing before any justice of the peace or police judge, that affiant has reason to believe and does believe, that any person or persons, are using in

any manner declared unlawful by this act, any such marked or designated bottle or vessel, or marked or designated cover or stopper or attachment belonging thereto, or any such marked or designated box or receptacle used for handling or transportation of said bottles and vessels, the property of such owner or owners, or have the same in possession on premises occupied, used or controlled by such person or persons, the said justice of the peace or police judge shall issue his search warrant and cause the premises designated to be searched, and thereafter such proceedings shall be had as now are provided by law in other cases where such warrants are issued.

Proceedings in such case.

Refiling of such name, etc. by persons who have complied with previous law on this subject.

Sec. 4364-44*a*. Any person or persons, who have heretofore filed in the office of the secretary of state a description of their property and caused the same to be published according to the law existing at the time of such filing and publication, shall be required to again file and publish such description, in accordance with section 4364-42 of the Revised Statutes of Ohio, and, in the event of a lawful change of ownership of such property, and regardless of a previous filing and publication by its late owner or owners, the person or persons acquiring the ownership, shall also be required to file and publish the name or names of marks of ownership upon their property in the manner provided for by section 4364-42 of the Revised Statutes of Ohio to be entitled to the benefits of this act.

Costs and fines.

Sec. 4364-45. All costs incurred in the enforcement of provisions of this act shall be assessed and collected in the same manner as in criminal cases; and all fines collected by virtue of this act shall be turned over by the court collecting the same, in the same manner, and for the same purpose as fines in cases of assault and battery are now by law disposed of.

Repeals, etc.

SECTION 2. Said original sections 4364-42, 4364-43, 4364-44 and 4364-45 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 150G.

[Senate Bill No. 46.]

AN ACT

To amend (7388-21) Sec. 4; (7388-24) Sec. 7. (7388-27) Sec. 10; (7388-29) Sec. 12; (7388-30) Sec. 13; (7388-33) Sec. 16 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Ohio state reformatory:

SECTION 1. That sections (7388-21) Sec. 4; (7388-24) Sec. 7; (7388-27) Sec. 10; (7388-29) Sec. 12; (7388-30) Sec. 13; (7388-33) Sec. 16, of the Revised Statutes of Ohio, be amended so as to read as follows:

Subordinate officials and employes; appointment; compensation.

(7388-21) Sec. 4. It shall be the duty of the superintendent, by and with the advice and consent of the board of managers to appoint such subordinate officers, guards and employees as the number of prisoners or the needs of the institution may from time to time require; said officers, guards, and employees, shall receive as compensation salaries fixed by the board of managers not to exceed those now provided by law for similar services by officers, guards and employees performing like duties at the Ohio penitentiary.

Who to be received.

(7388-24) Sec. 7. The said board of managers shall receive all male criminals between the ages of sixteen and thirty and not known to have been previously sentenced to a state prison in this or any other state who shall be legally sentenced to said Ohio state reformatory, on conviction of any criminal offense in any court having jurisdiction thereof; and it shall be incumbent upon any such court to sentence to the Ohio state reformatory any such male person between the ages of sixteen and twenty-one convicted of a crime punishable by imprisonment in the Ohio penitentiary, and any court in its discretion may sentence to the Ohio state reformatory any such male person between the ages of twenty-one and thirty, so convicted, whom said court may deem amenable to reformatory methods; provided, that no person convicted of murder in the first or second degree shall be sentenced or transferred to said Ohio state reformatory.

Sentences, general.

(7388-27) Sec. 10. Every sentence to the Ohio state reformatory of a person hereinafter convicted of a felony shall be a general sentence to imprisonment in the Ohio state reformatory at Mansfield and the courts of this state imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any prisoner so convicted and sentenced shall be terminated by the managers of the Ohio state reformatory as authorized by this act, but such imprisonment shall not exceed the maximum provided by law for the crime for which the person was convicted, nor be less than the minimum term provided by law for a felony; and a person sentenced to the Ohio state reformatory shall, within thirty days after his sentence, unless the execution thereof be suspended, be conveyed to the Ohio state reformatory by the sheriff of the county in which the conviction was made, and delivered into the

custody of the superintendent of the Ohio state reformatory, together with a copy of the sentence of the court, and there to be safely kept until released by the board of managers of the Ohio state reformatory, or until said prisoner be pardoned by the governor, and if the execution of the sentence be suspended, and the judgment be afterward affirmed, the defendant shall be conveyed to the Ohio state reformatory within thirty days after the court directs the execution of the sentence. In transporting such person to the Ohio state reformatory the sheriff shall perform like duties and have the same powers over the prisoned and receive the same rate of compensation as now provided by law for sheriffs in transporting prisoners to the Ohio penitentiary.

Parole of prisoners.

(7388-29) Sec. 12. The said board of managers shall also have the authority to establish rules and regulations under which prisoners within said Ohio state reformatory may be allowed to go upon parole, in legal custody, and under the control of the board of managers and subject at any time to be taken back into the enclosure of said reformatory; but no prisoner shall be considered eligible to parole, and no application for parole shall be considered by the managers until such prisoner shall have been recommended as worthy of such consideration by the superintendent and chaplain of said Ohio state reformatory. And before consideration by the board of managers, notice of such recommendation shall be published for three consecutive weeks in two papers of opposite politics in the county from which said prisoner is sentenced, or from the county of the residence of such prisoner; provided the expense of such publication shall not exceed one dollar for each paper, and in no case shall any prisoner be released on parole unless there is in the opinion and judgment of the managers reasonable ground to believe that he will if so released be and remain at liberty without violating the law, and that his release on parole is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner as established in prison, considering also his previous record, nature and character of the crime committed, and all such other facts as the board of managers may be able to obtain bearing upon the advisability of parole or refusal of the same, but no prisoner shall be allowed the privilege of parole without receiving the vote of all the members present at a regular or special meeting. No petition or other form of application for the release of any prisoner shall be entertained by the managers, and no attorney or outside person of any kind shall be allowed to appear before the board of managers as applicants for the parole of a prisoner; but these requirements shall not prevent the board of managers from making such inquiries as they may deem advisable in regard to the previous history or environment of such prisoner, or as to his probable surroundings if paroled, but such inquiries shall be instituted by the prison managers themselves and

all information thus received shall be considered as confidential.

(7388-30) Sec. 13. The said board of managers shall have full power to enforce the rules and regulations, and to retake and to reimprison any convict so upon parole and their written order certified by their secretary shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to actual custody any conditionally released or paroled prisoner and should such paroled prisoner be in the custody of an officer of the law, either under an order of arrest or by virtue of a conviction and sentence for any crime other than manslaughter or murder, then in such case said written order shall be a sufficient warrant under which said paroled prisoner may be taken into the custody of such officer of said Ohio state reformatory; and it is hereby made the duty of all officers named in such order to arrest and return to actual custody any conditionally released or paroled prisoner; and the said board of managers shall have the power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, and temporary and conditional release and return as aforesaid of all prisoners of said Ohio state reformatory. Return of paroled prisoners.

(7388-33) Sec. 16. The board of managers shall under a system of marks, or otherwise fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act as to the conditions (of increased privileges, or of release from their control) which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor or study, and for the results accomplished, and recharged for derelictions, negligence, or offenses. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks shall be made known to him as often as once a month. And may also make provision by which any prisoner may see and converse with some one or more of the board of managers during every month. When it appears to said managers that there is a strong or reasonable probability that any prisoner on parole may live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society said board may in its discreton grant an absolute release to such prisoner, certifying the fact of such release and the grounds thereof to the governor, and the governor may thereupon in his discretion restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case. Whenever the board of managers is satisfied that any prisoner shall be pardoned they shall have authority to make a recommendation for such pardon to the governor direct; without the intervention of the state board of pardons: but such recommendation shall require the System of credits.

Release of prisoners.

Recommendation for pardon.

vote of all the members present at any regular or special meeting, such pardon first having been recommended by the superintendent and chaplain of said Ohio state reformatory.

Repeals, etc.

SECTION 2. That said original sections (7388-21), Sec. 4; (7388-24), Sec. 7; (7388-27) Sec. 10; (7388-29) Sec. 12; (7388-30) Sec. 13; (7388-33) Sec. 16, of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 151G

[House Bill No. 395.]

AN ACT

Making it unlawful to trap shoot any living bird or fowl, and affixing the penalty for violation.

Be it enacted by the General Assembly of the State of Ohio:

Trap shooting with live birds.

SECTION 1. It shall be unlawful for any person or persons within the state of Ohio, to engage in trap shooting where and when the object to be shot at is any living bird or fowl.

Penalty.

SECTION 2. Any person or persons who engage in trap shooting contrary to the provisions of this act shall, upon a plea of guilty, or upon being found guilty, be fined in any sum not exceeding one hundred dollars, or be imprisoned not more than thirty days, or both.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 152G

[Senate Bill No. 138.]

AN ACT

To amend supplemental section 2823*a* of the Revised Statutes of Ohio as passed April 17, 1891 (88 O. L., 318), relating to the levy of taxes by county commissioners in counties containing cities of the first grade, second class, and providing that such commissioners shall apportion such levy to separate funds.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That supplemental section 2823*a* of the Revised Statutes of Ohio, passed April 17, 1891 (88 O. L., 318), be so amended as to read as follows:

Limit in Franklin county.

Sec. 2823*a*. The commissioners of counties containing cities of the first grade, second class, shall, at their June session, annually, levy such amount as shall be necessary to provide for the ordinary or general expenses of the county, the building and repairs of bridges and culverts, the maintenance of the poor, the repairs of county buildings, the children's home, and all other purposes which are paid out of the county treasury by order of the commissioners, the courts or the auditor, designating at the time of making said levy the amount of each separate fund. Provided, that not exceeding four mills on the dollar of the valuation of taxable property within said county or counties shall be levied in any one year; provided further, that no levy specially authorized by the general assembly shall be included within the limit herein fixed. And provided that the commissioners of such county or counties in designating the amount of each separate fund shall fix the amount of one and four-tenths mills for bridges and culverts for the years 1902 and 1903 and not to exceed one mill each year thereafter, which fund shall be called the bridge fund and shall be entered on the duplicate in a separate column and applied solely to the purposes of building and repairing bridges and culverts.

Repeals.

SECTION 2. That said original supplemental section 2823*a* as passed April 17, 1891, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902.

153G

[House Bill No. 104.]

AN ACT

To supplement section 2701 of the Revised Statutes of O

Be it enacted by the General Assembly of the State of

Power to borrow money and issue bonds:

SECTION 1. That section 2701 of the Revised utes of Ohio be supplemented, with sectional numberi follows:

Issue of bonds to extend time of payment; villages of the first class.

Sec. 2701*b*. The council of any village of the class for the purpose of extending the time of the pay of the floating indebtedness of any such village which, its limit of taxation, such village is unable to pay o the general revenues raised by taxation and pay the rent and fixed expenses of such village or for the pu of extending the time of payment of any floating inde ness created in the operation of any of the municipal p utilities, shall have power to issue bonds of such vi sufficient to pay off any of such floating indebtedne such amounts not exceeding thirty thousand dollars for such length of time not to exceed twenty-five y and at such rate of interest as the council may deem p not to exceed the rate of six per cent. per annum, pa annually or semi-annually, but no bonds shall be i unless at least three-fourths (¾) of all members el to the council shall concur in the passage of the ordi determining the necessity for and authorizing the iss such bonds. Provided however that proceedings and actments by any council for the issue of bonds under act shall be fully completed and enacted within the p of six months after the date of the passage of this act.

SECTION 2. This act shall take effect and be in from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representat
CARL L. NIPPERT,
President of the Se

Passed April 23, 1902. 154G

[Senate Bill No. 83.]

AN ACT

To appoint a commission to investigate the feasibility of ere sanatoria for tuberculosis patients in Ohio.

Preamble:

WHEREAS, The state of Ohio sustains an annual from tuberculosis of fully 6,000 of her citizens, chiefl the productive period of their lives, whereby homes being constantly desolated, and poverty, vice and c rendered more frequently possible; and

WHEREAS, It is known that a large number, perhaps the majority of persons suffering from this disease may be cured if given the opportunity for early care, and for a comparatively short period, in special hospitals or sanatoria for tuberculosis; and

WHEREAS, The temporary isolation of such persons and their instruction in the measures that should be taken to prevent the communication of tuberculosis from person to person is also a potent aid in restricting the spread of this disease; and

WHEREAS, Such institutions, by private philanthropy or by state government, have been established and are now being successfully operated in many countries, including some parts of our own, notably, in New York, in Massachusetts, in Colorado, in New Mexico; therefore,

Be it enacted by the General Assembly of the State of Ohio:

State tuberculosis commission; appointment.

SECTION 1. That a state tuberculosis commission shall be appointed by the governor within three months after the passage of this act to investigate and report upon the feasibility, considering climatic conditions, altitude, etc., of successfully treating persons suffering from tuberculosis, and especially consumption, in sanatoria located within the state of Ohio; also upon the desirability of establishing such institutions.

Number of members; report.

SECTION 2. That this commission shall consist of seven persons who shall report to the governor on or before the 3rd of May, 1903, and their report shall be transmitted by the governor to the general assembly at the next session thereof.

Printing of report.

SECTION 3. That the secretary of state shall have printed such number of copies of said report as the governor and said commission may deem advisable for public distribution.

Oath and organization.

SECTION 4. Said seven commissioners shall before entering upon the discharge of their duties severally take an oath or affirmation to faithfully discharge the duties of their appointment and shall organize by the election of one of their number as president, and one as secretary.

Appropriation.

SECTION 5. The sum of five hundred ($500.00) dollars is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated to pay the actual expenses of each of said commissioners and for clerical help, postage and stationery; said expense, clerical help, postage and stationery to be paid for upon the certificate of the president of said commission.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902.

155G

[Senate Bill No. 32.]

AN ACT

To amend sections 5024 and 5041 of the Revised Statutes of C

Be it enacted by the General Assembly of the State of O

Where action to be brought:

SECTION 1. That sections 5024 and 5041 of the vised Statutes of Ohio be so amended as to read as follc

Against railroad and stage companies.

Sec. 5024. An action against the owner or lesse a line of mail stages, or other coaches, for any injur person or property upon the road or line, or upon a liab as carrier, and an action against a railroad company street railroad company, owning or operating a rail or street railroad within the state, or against a trans tation company owning or operating an electric trac road located upon either bank of any canal belonging the state, may be brought in any county through or which such line, railroad, street railroad or electric t tion road passes or extends.

How served upon corporation.

Sec. 5041. A summons against a corporation may served upon the president, mayor, chairman or presiden the board of directors or trustees, or other chief officer if its chief officer be not found in the county, upon cashier, treasurer, secretary, clerk, or managing agent; if none of the aforesaid officers can be found, by a copy at the office or usual place of business of such corporat with the person having charge thereof; and if such poration is a railroad company, whether foreign or cre under the laws of this state, and whether the cha thereof prescribes the manner and place, or either, of vice of process thereon, or, if such corporation be a st railroad company, owning or operating a street rail passing through two or more counties, or a transporta company owning or operating an electric traction r located upon either bank of any canal belonging to state, the summons may be served upon any regular ti or freight agent of such railroad company or street rail company or transportation company; or, if there be no s agent, then upon any conductor in charge of any trai car upon such railroad or street railroad, or upon motorman or other person in charge of any electric trac car, engine or motor upon any such electric traction r in any county in this state, in which such railroad, st railroad, or electric traction road is located, or thro which it passes; but if the defendant is an incorpor river transportation company, whether organized under laws of this or another state, the service of a summ may be upon the master, or other chief officer, or any o steamboats or other craft, or upon any of its author ticket or freight agents, at any port where it trans business.

Repeals, etc.

SECTION 2. That sections 5024 and 5041 of the vised Statutes of Ohio, as they now exist, be and the s

are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 156G

[House Bill No. 529.]

AN ACT

To supplement section 2167-3 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Cincinnati hospital:

SECTION 1. That section 2167-3 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Disposition of receipts.

Sec. 2167-3*a*. The receipts of the trustees of said hospital from any and all sources shall be paid into the treasury of said city, and paid out upon vouchers drawn by said board of trustees and signed by the president and secretary upon the auditor, or other auditing officer, if there be no auditor, to be paid by the treasurer of such city, upon the warrant of the auditor or other auditing officer, if there be no auditor.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON.
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 157G

[House Bill No. 825.]

AN ACT

To provide for detaching unplatted farm lands from cities and incorporated villages, and for attaching the same to adjacent townships.

Be it enacted by the General Assembly of the State of Ohio:

Detachment of unplatted farm lands from municipality and attachment of same to township adjacent thereto.

SECTION 1. That the owner or owners of unplatted farm lands lying within the corporate limits of any city or village may file a petition in the court of common pleas of the county in which such lands are situate, in which such owner or owners shall be named as plaintiffs, and such city or village shall be the defendant, setting forth the reasons why such lands should be detached, and the relief prayed for. On such petition a summons shall issue as in other actions, and such cause proceed as in other causes.

Decree of court.

SECTION 2. On the hearing of such cause if the court shall find that said lands are farm lands and that the same may be detached without materially affecting the good government of adjacent territory within such city or village limits, an order and decree may be made by the court in his discretion and entered on the record that such lands be detached from such city or village and be attached to the most convenient adjacent township in the same county, and thereafter such land shall not be a part of said city or village, and shall be a part of the township to which the same has been so attached, and the costs taxed as to the court may seem right.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 158G

[House Bill No. 588.]

AN ACT

To provide for the manner in which moneys set aside by boards of education of city school districts of the first class for sinking fund purposes, may be invested in bonds of its own issue.

Be it enacted by the General Assembly of the State of Ohio:

City districts of first class; board of education may purchase its bonds for benefit of sinking fund.

SECTION 1. That whenever any board of education of any city school district of the first class issues its bonds, it may invest such moneys as may be set aside for sinking fund purposes, by purchasing such bonds at par and accrued interest, for the benefit of such sinking fund, and as many of said bonds as remain, after investing such moneys as aforesaid, shall be advertised for public sale.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 159G

[House Bill No. 211.]

AN ACT

To amend section 3490 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3490 of the Revised Statutes of Ohio be amended so as to read as follows:

Turnpike and avenue companies: Penalty for obstructing travel on road.

Sec. 3490. All persons driving carriages or vehicles of any description, on any public turnpike, road or highway of this state, shall, on meeting carriages or vehicles of any description keep to the right so as to leave half of the road free, and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile or automobile on meeting carriages or vehicles of any description, keep to the right so as to leave two-thirds of the road free, and if any person purposely and wilfully neglects or refuses to comply with the provisions of this section, or in any other manner wilfully hinder or purposely obstruct any person in the free passage of any such road or highway, or shall ride a bicycle, tricycle or tandem bicycle on the sidewalk or foot-path of any unincorporated hamlet or village he shall, on conviction thereof, before any justice of the peace or other court having jurisdiction, for every such offense be fined in any sum not less than five dollars, nor more than twenty-five dollars, for the use of the common schools of the county in which the prosecution is had.

SECTION 2. That section 3490 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 160G

[House Bill No. 192.]

AN ACT

To amend section 4686-13 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4686-13 of the Revised Statutes of Ohio be amended so as to read as follows: Township roads:

Sec. 4686-13. No road shall be improved under the provisions of this act, which is less than thirty feet in width, and shall be graded at least twenty feet in width; shall be turnpiked with earth so as to drain freely to the sides, and may be paved with brick, macadamized, raised with stone or gravel not more than sixteen feet in width, and not less than sixteen inches thick in the center, nor less than twelve Specifications.

inches thick at the outer edge of said bed of stone, and gravel well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent of the road be greater than seven degrees. The roads shall be well provided with the necessary side drainings, waste-ways and under-drains to prevent overflowing or washing of water; and the commissioners of the county in which such township is located, shall, upon application of the township trustees, cause the necessary bridges and culverts on said road to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road. Provided that nothing in this section contained shall be construed so as to compel the county commissioners to construct any bridge, which in their judgment could be avoided by a reasonable change in the road, or construct any bridge, when for the time being, on account of the financial condition of the bridge fund, they cannot, in their judgment, do so, without neglecting the needed repairing or construction of other bridges of greater public importance.

Repeals.

SECTION 2. That said original section 4686-13 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 161G

[House Bill No. 316.]

AN ACT

To supplement section 967 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Infirmary directors:

SECTION 1. That section 967 of the Revised Statutes of Ohio be supplemented by section 967*a* as follows:

Publication of statement of receipts and expenditures of infirmary directors: what to contain.

Sec. 967*a*. In any county where the proprietors or managers of two newspapers of general circulation and opposite politics shall notify the county auditor that they will publish, free of charge, full and detailed statements of the receipts and expenditures of the infirmary directors of such county for any designated month or months, the auditor shall at once notify the infirmary directors of such fact, and said directors shall within twenty days furnish the county auditor with a full account of all the moneys received and paid out by them, giving in detail from whence any money has been received by them during said month,

and to whom and for what purpose such money was paid out. Said account shall state each item separately showing especially the quantity and quality of all goods purchased, and where said goods are of any special grade or brand stating that explicitly. Said statement shall also state the name of every employe in said institution, for what purpose employed, and the salary or wages paid to the same per year or per month, and the exact amount actually paid to said employe during the month which said account covers. Said statement shall also show the amount received by each director during said month for salary, and also for traveling expenses, stating in detail each item. Said report shall also show the whole number of inmates at the beginning of each month; number received during each month; number born in the infirmary; total number of inmates for each month; number discharged during each month; number of deaths during each month; number removed to other counties, states and institutions; whole number remaining; daily average; whole number of children under sixteen years of age; how many placed in homes; how many children remaining — boys, girls; of the number of children remaining how many of sound mind; how many children helplessly crippled; how many insane — males, females; how many epileptics — males, females; how many idiotic — males, females; total current expenses of infirmary, exclusive of farm products, for each month; total value of farm products for each month, stating each item separately; total amount paid in the county for outdoor relief during each month, including medical attention and stating especially amount paid each contract physician over and above the contract price.

Penalty for not making report.

SECTION 2. If any infirmary directors fail or neglect to make the report required of them by the preceding section, within the time herein required, they shall be fined in any sum not exceeding one hundred dollars; and the prosecuting attorney of any such county shall prosecute in the court of common pleas, as is provided by law in similar cases, any one or all of such directors who neglect or refuse to furnish the required statement, as herein provided.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 162G

[House Bill No. 750.]

AN ACT

To supplement section 2505c of the Revised Statutes of O

Be it enacted by the General Assembly of the State of

Railways in corporate limits: Dayton.

SECTION 1. That section 2505c of the Revised Sta of Ohio be, and the same is hereby supplemented with plemental numbering as follows:

Portion of compensation paid by street railway to another for the use of its tracks, to be paid to municipality.

Sec. 2505c-1. That in any city of the second and second class where a street railway company, ow or operating any street railway or railways in such under a franchise granted by the council of such city made or shall make and enter into an arrangemer agreement under sections 2505c or 3443-11 of the Re Statutes of Ohio, or other existing laws, with any ra company or street railway company now or hereafter ating and maintaining an interurban or traction railro railroads operated by electricity or other motive p from any municipal corporation or point in this state, side of such city of the second grade of the second cla any point therein, whereby the passenger or other ca such railway company or other street railway comp are, or may be run and propelled over and along the or tracks of such street railway company, first menti for compensation, paid or to be paid it by such ra company or other street railway companies, said street way company first mentioned and to which such con sation is paid, shall quarterly pay to such city, for the eral purposes of the said municipal corporation, twent per cent. of the gross amount of such compensation, shall render quarterly statements to such municipal c ration of the amount of compensation so received fo preceding quarter. Said statements shall be sworn to the city comptroller of such city shall have authori examine the books and officers of all such railway panies and street railway companies to verify the co ness of such statements. The quarterly payments h provided for shall be made on the first days of May, Au November and February of each year.

SECTION 2. This act shall take effect and be in from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representa
F. B. ARCHER,
President pro tem. of the Se

Passed April 25, 1902. 163G

[House Bill No. 673.]

AN ACT

To amend section 4670-12 of the Revised Statutes of Ohio relative to the improvements of certain county roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4670-12 of the Revised Statutes of Ohio be so amended as to read as follows: County roads:

Sec. 4670-12. Said commissioners may issue and sell, at not less than par, the bonds, of said county in sums of one hundred dollars, or multiples thereof, bearing interest not exceeding five per cent. per annum, and having not exceeding three years to run, payable principal and interest at the treasury of said county or at such point in the city of New York as may be designated therein, for the amount necessary to cover the cost of such improvement, which shall not exceed three thousand dollars per mile, and shall provide for the payment of such bonds by the necessary levies upon the grand duplicate of said county. Provided such bonds may be paid for out of the bridge fund or general road improvement fund, or both, and the levy for either or both of said funds may be increased above that now provided by law to the amount necessary to meet such expense. Bonds. Tax levy.

SECTION 2. Original section 4670-12 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 164G

[House Bill No. 566.]

AN ACT

To amend sections 2476-17 and 2476-18 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2476-17 and 2476-18 of the Revised Statutes of Ohio be amended so as to read as follows: Fire department; Dayton.

Sec. 2476-17. That in every city of the second grade of the second class the management and control of the fire department shall be vested in a board of four (4) commissioners, having the qualifications of electors of such city, and not more than two members of such board shall, at any time, be members of the same political party: and such commissioners shall be appointed by the mayor, with the Management thereof vested in board of four commissioners. Appointment.

Term.

approval of the city council of such city. Such commissioners shall, in the first instance, be appointed for one, two, three and four years, respectively, and they shall serve until their successors are appointed and qualified. Annually the mayor, with the approval of the city council of such city, shall, in like manner, appoint a commissioner of like qualifications to succeed the commissioner whose term is about to expire or has expired, who shall be appointed and serve for four years, and until his successor is appointed and qualified. Each member of said board of fire commissioners shall receive a salary of three hundred dollars per annum.

Salary.

President and secretary of board.

Sec. 2476-18. The member of said board having the shortest term to serve shall be the president thereof, and said board shall have power to appoint a secretary to serve during the pleasure of the board, and to fix his compensation and prescribe his duties, and such secretary shall perform such services as are required of him by said board.

Repeals.

SECTION 2. That said original sections 2476-17 and 2476-18 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 165G

[House Bill No. 715.]

AN ACT

To further supplement sections 1545-89, to 1545-165 inclusive of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Special governmental acts: Columbus.

SECTION 1. That sections 1545-89 to 1545-165 inclusive of the Revised Statutes of Ohio be further supplemented with sectional numbering as follows:

Board of trustees of the police pension, life and health insurance fund.

Sec. 1545-165*j*. The mayor, director of law and three members of the police force to be annually elected by the members of the force on the second Tuesday of May as hereinafter provided, shall constitute "The board of trustees of the police, pension, life and health insurance fund," with full power to manage and control the same as hereinafter provided. The mayor shall be the president of said board of trustees and said board shall elect a secretary from its members who shall receive such compensation for his services as the board of trustees may determine, not exceeding one hundred and fifty ($150.00) dollars in any year.

Sec. 1545-165*k*. The rewards, fees, proceeds of gifts and emoluments that may be allowed by the director of public safety to be paid or given on account of extraordinary services of an officer or member of the police force, all unclaimed money, the proceeds arising from the sale of unclaimed property, one-third of all moneys received by the director of public safety from all sources whatever, the disposition of which is not otherwise provided for by law, one-third of all the moneys collected by the police court on account of the service by the police force of writs issued by such court; all witness fees allowed officers and members of the police force in the police court, and in the criminal court and before the grand jury of the county: officers and members of the police force shall be allowed the same fees as other witnesses in all such cases, and all fines imposed by the director of public safety upon officers and members of the force for violation of rules shall be paid into the city treasury to the credit of the police, pension, life and health insurance fund. County treasurers of counties containing a city of the first grade of the second class shall semi-annually at the time of their semi-annual settlement with the auditors of their respective counties pay over to the city treasurer to the credit of the police, pension, life and health insurance fund one-half of the whole amount, under his annual levy, of all taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government and doing busines in any such city, on the gross receipts of every insurance company, under and by virtue of the provisions of section two thousand seven hundred and forty-five (2745) of the Revised Statutes, during the half year preceding such annual settlement.

How fund raised and maintained.

Sec. 1545-165*l*. The trustees hereinbefore provided for shall have power to draw such funds from the city treasury on the warrant of the president of said board countersigned by the secretary, and may invest the same in the name of "The board of trustees of the police, pension, life and health insurance fund," in interest bearing bonds of the United States, the state of Ohio, or any county in this state or of any township, incorporated village or city in the state of Ohio, when the power to issue said bonds is derived from either general or special legislative authority; the said bonds shall, before the same are issued to the board of trustees, be registered in the office of the treasurer of the United States, or said state of Ohio, or county, township, incorporated village or city issuing the same, and bear upon their face the printed or legibly written fact of such registry together with the book and page, and the date and place of registry. The president and secretary of such board shall collect the interest on all bonds and place the same in the city treasury to the credit of said fund. It is hereby made the duty of said secretary to keep a record of the proceedings of said board of trustees and all action taken by it with regard to said fund, and with

Investment of fund.

regard to the members of said police force as herein provided, and to make a detailed report thereof to the city council of said city on the second Monday of January of each year.

Who beneficiaries of fund; how paid.

Sec. 1545-165*m*. When an officer or member of the police force has become disabled while in the actual performance of official duty, or has performed faithful service as a member of such force for a period of not less than fifteen actual years from the commencement of his service, he may, by order of the director of public safety, with the approval of the board of trustees, be retired from active service and placed upon the pension roll, and when so retired shall be paid from the fund hereinbefore provided for, a pension as follows:

One-half of the amount of salary he was receiving at the time of such injury or retirement from active service to be paid in equal monthly payments. But if any officer or member of the force, on recovery from such disability, be assigned to duty and full pay, his pension shall cease. Provided, that if any officer or member of the force shall object to being retired on the ground that he is not disabled, but is able to perform his full, official duty, then in such case such officer or member of the police force shall select one physician or surgeon of good repute and standing, who, acting with the police surgeon, shall select another such physician or surgeon of good repute and standing, and they three shall examine such officer or member of the force, and the finding of the majority of such three examiners shall be final as to the ability or inability at that time of the member of the force so examined, to perform his full duty; and if found able he shall be required to return to duty. When an officer or member of the police force in performance and in consequence of the performance of official duty, becomes bodily disabled, his necessary expenses during such disability may be paid from said fund, provided that said board of trustees upon inquiry into the circumstances are satisfied and shall so enter upon their records that the charge upon said fund is correct. No officer or member of the force shall be placed upon the pension roll unless the police surgeon shall certify in writing that he is permanently incapacitated, either mentally or physically, from performing his official duties, nor unless due notice is given him by the director of public safety of his intention to retire him. Officers and members on the retired list shall not be subject to the orders of the director of public safety, and should any of them be found guilty of committing felony he shall forfeit all claims upon the police pension fund. The board of trustees shall, within thirty days after the death of any officer or member of the police force on the active or retired list, pay the sum of five hundred ($500.00) dollars to his widow, or if there be no widow, to his minor child or children; or if there be no widow or minor children, then to such relative or relatives as were dependent

upon the deceased for support; and if there be no such dependent relative, then no money shall be paid from the fund on account of such deceased member or officer, except a sum not to exceed one hundred and fifty ($150.00) dollars, to be used to defray funeral expenses. The provisions of this section shall not apply to special patrolmen appointed at the request of private parties. Any officer or member of the police force who shall have performed duty for a period of twenty-five actual years from the commencement of his service shall be retired upon his own application, and shall be awarded and paid an annual pension as provided in this section. If at any time there should not be sufficient money to the credit of said fund to pay all claims against it in full, claims on account of death of members of the force, if there be any such, shall be first paid in full and with as little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the fund on hand, and shall be accepted as payment in full by the claimants. Officers and members of the police force who have resigned, or have been dismissed from the force, shall have no interest in, or claim on such fund.

Election of trustees.

Sec. 1545-165*n*. The three members of the police force to constitute the members of the board of trustees shall be elected on the second Tuesday in May of each year, and such election shall be held at police headquarters and shall be by ballot. Every officer and member of said police force shall be entitled to cast one ballot, but no ballot shall contain the names of more than three persons. The polls shall be open for the reception of ballots from two to seven o'clock p. m.; the superintendent of police shall have charge of said election and he shall make a return thereof to the city clerk of said city, and the three persons receiving the highest number of votes cast shall be declared such trustees, and shall hold their offices until their successors are duly elected and qualified. Before entering upon the duties of their office, each member of the said board of trustees shall take an oath of office.

Gifts, devises and bequests.

Sec. 1545-165*o*. Said trustees shall have power to receive for the benefit of said fund, and to manage the same, any gift, devise or bequest, which may be made to said fund.

Pension shall be exempt from attachment, execution, etc.

Sec. 1545-165*p*. No portion of said pension or insurance fund shall, either before or after its order of distribution by the said board of trustees to such disabled or retired officer or member of said police force or to his widow or minor child or children, or to his dependent relative, be held, seized, taken, subjugated to, detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever, issued out of or by any court in this state, for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand, judgment, fine or

amercement of such officer or member, or his widow, or h minor child or children, or the guardian of the same, o of his dependent relative; but said fund shall be sacredl kept, held, secured, promoted and distributed for the pu pose of paying such pensions, expenses and insurance of th persons named in this act, and for no other purpose wha ever.

SECTION 2. This act shall take effect and be in forc from and after its passage, and all acts and parts of ac inconsistent herewith are hereby repealed.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 166G

[House Bill No. 344.]

AN ACT

For the protection of the skunk.

Be it enacted by the General Assembly of the State of Ohio

Unlawful to catch, kill, etc., any skunk except between first day of November and first day of February. Exceptions.

SECTION 1. No person shall, at any time, on an place, by any means, catch, kill, or injure, or pursue wit such intent, any skunk, except between the first day o November and the first day of February, next ensuing, in clusive. Providing that this act shall not prevent the owne of any farm or enclosure, used exclusively for the breedin and raising of pole-cat or skunks, from catching or killin any pole-cat or skunk upon such farm or within such en closure. Provided, however, that any farmer, or tenant may kill any skunk at any time when doing an injury upo his premises.

Penalty.

SECTION 2. Any person violating the provisions o this act shall be deemed guilty of a misdemeanor, and upo conviction thereof, shall be fined not less than five, no more than fifteen dollars, and stand committed until suc fine and costs of suit are paid.

SECTION 3. This act shall take effect and be in forc from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 167G

[House Bill No. 845.]

AN ACT

To further supplement section 218-236 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Canals:

SECTION 1. That section 218-236 of the Revised Statutes of Ohio be further supplemented with sectional numbering as follows:

Canal commissioners; appointment; duties, term, etc.

Sec. 218-236c. That the governor be and he is hereby authorized to appoint by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work prescribed in sections 218-221 to 218-231 inclusive, and the sections supplemental thereto, of the Revised Statutes of Ohio, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by the above named sections, or either of them, or by any existing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office. The said canal commissioners, after appointment, shall each take an oath of office and give bond in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, and shall each receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as a compensation and expenses of the canal commission, of which such canal commissioners shall be the successors, as now required by law to be paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 168G

[House Bill No. 831.]

AN ACT

Providing for payment to certain companies of the Ohio national guard for services rendered in the protection of lives and property.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for certain companies Ohio national guard.

SECTION 1. That there be, and is, hereby appropriated from the general revenue fund, not otherwise appropriated, the sum of one thousand one hundred and sixteen dollars and nine cents ($1,116.09), to pay companies B and E,

third infantry, and company A, ninth battalion, infantry, Ohio national guard, for special duty performed under the call of the mayor at Springfield, Ohio, in the protection of lives and property, during the recent conflagration in that city, and company G, seventh infantry, Ohio national guard, for special duty performed at Manchester, Ohio, under the call of the mayor, in the protection of lives and property, by reason of floods, April 22 to 27, 1901. The auditor of state is directed to draw his warrants for the amounts due each of said companies, the total amount of which shall not exceed the sum herein appropriated, payable to the commanding officers of said organizations, by reason of such service rendered.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 169G

[House Bill No. 111.]

AN ACT

For the relief of Aultman, Miller & Co., of Akron, Ohio, and to authorize the state of Ohio to execute deed to quiet title.

Be it enacted by the General Assembly of the State of Ohio:

For the relief of Aultman, Miller & Co.

SECTION 1. That the governor of the state of Ohio be directed and empowered to execute deed for the north half of lot No. 111, original town plat of Akron, lying between Exchange street (known as Main street) on the south, and Spring alley on the north; Water street on the west, and the projected Ohio canal on the east, to Aultman, Miller & Co. of Akron, Ohio, upon payment by said Aultman, Miller & Co. of $1.00 to the treasurer of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 170G

[House Bill No. 374.]

AN ACT

To amend section 6984a of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6984a of the Revised Statutes of Ohio be amended so as to read as follows:

Penalty for torturing or neglecting children.

Sec. 6984a. Whoever tortures, torments, cruelly or unlawfully punishes, or willfully, unlawfully and negligently deprives of necessary food, clothing or shelter, any person, or whoever having the control of, or being the parent or guardian of any child or children under the age of sixteen years, willfully abandons such child or children, or tortures, torments, cruelly or unlawfully punishes such child or children, or willfully, unlawfully or negligently fails to furnish necessary and proper food clothing or shelter for such child or children, shall be fined not more than two hundred dollars nor less than ten dollars, or imprisoned for not more than six months or both.

Repeals, etc.

SECTION 2. Said original section 6984a is hereby repealed, and this act shall take effect and be in force after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 171G

[House Bill No. 639.]

AN ACT

To change the name of the Ohio institution for the education of the blind to the Ohio state school for the blind.

Be it enacted by the General Assembly of the State of Ohio:

Ohio institution for the education of the blind; name changed.

SECTION 1. That the name of the Ohio institution located at Columbus, Ohio, and known as the institution for the education of the blind, be changed to the Ohio state school for the blind.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON.
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 172G

[House Bill No. 156.]

AN ACT

To supplement section 1692 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Cities and villages; enumeration of powers.

SECTION 1. That section 1692 of the Revised Statutes of Ohio be supplemented by the enactment of supplemental statute 1692*i*, as follows:

Sec. 1692*i*. To provide for the cutting, mowing, keeping down or removal of tall, unsightly or noxious weeds, vines or grass on vacant lots, commons or other unoccupied property, and to prescribe penalties for the enforcement thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 173G

[House Bill No. 250.]

AN ACT

To amend section 5653 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Dissolution of corporations:

SECTION 1. That section 5653 of the Revised Statutes of Ohio be amended so as to read as follows:

Affidavit to be attached to petition.

Sec. 5653. To every such petition there shall also be annexed an affidavit of one or more of the applicants, or in case they are all nonresidents of the county in which the petition is filed, then an affidavit of the agent or attorney of one or more of the applicants, that the facts stated in the application, and the accounts, inventories, and statements contained therein or annexed thereto, are just and true, so far as the affiant knows, or has the means of knowing.

Repeals, etc.

SECTION 2. That said original section 5653 of the Revised Statutes of Ohio be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 174G

[Senate Bill No. 312.]

AN ACT

To amend section 5302 of the Revised Statutes of Ohio, as amended, April 16, 1900, as amended March 26, 1902, relative to bills of exceptions.

Be it enacted by the General Assembly of the State of Ohio:

Bills of exceptions:

SECTION 1. That section 5302 of the Revised Statutes of Ohio, as amended April 16, 1900, O. L. Vol. 94, p. 397, as amended March 25, 1902, be amended so as to read as follows:

Time of its allowance and signing.

Sec. 5302. If the exception be not true, then, after it is corrected, the trial judge, or a majority of the judges composing the trial court, must allow and sign it before the case proceeds; or if the party excepting consents within fifty days after the overruling of the motion for a new trial is not necessary; or in case of the absence of the trial judge or judges from the district or circuit, on or before the fifth day of the next ensuing term of the court, in accordance with the provisions of section 5301; the bill of exceptions shall be filed with the pleadings, and if the party filing the same shall request it, made part of the record, but not spread upon the journals. And an entry of the allowance and signing of the same must be entered upon the journal of the court within the time fixed for such allowance and signing. Provided, that where exceptions are not allowed and signed during the progress of the trial, the party excepting shall submit the bill of exceptions to the opposite counsel for examination not less than ten days before the expiration of said fifty days, which counsel shall return the same within five days thereafter, and which bill of exceptions, after such submission to counsel shall not be altered, changed, interlined or in any manner mutilated by any person except by order of the trial judge, or judges authorized to sign the same, but if counsel have objections to any part of the bill he may so state in writing on a separate paper; and whoever violates this section by any such alteration, change, interlineation or mutilation shall be, by order of the trial judge or judges, punished as for contempt of court. And unless the trial judge or judges, shall be absent from the district or circuit as provided in section 5301, the same shall be submitted for his or their signature, not less than five days before the expiration of said fifty days, and if said trial judge or judges find the bill of exceptions to be not correct, he or they shall correct the same or furnish therewith to counsel written minutes wherein the same is to be corrected. Provided, further, that the trial judge or judges may at his or their discretion extend the time for signing such bill of exceptions for a period not exceeding ten days beyond the expiration of said fifty days, which extension must be endorsed on the bill of exceptions by said trial judge or judges.

Absence of trial judge.

Filing and record.

Entry upon journal.

Submission to opposite counsel.

Submission to trial judge or judges for signature.

Extension of time for signing.

Repeals.

SECTION 2. Said section 5302 as amended April 16, 1900, as amended March 25, 1902, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 175G

[Senate Bill No. 1.]

AN ACT

Fixing the penalty for an attempt upon the life of certain public officers.

Be it enacted by the General Assembly of the State of Ohio:

Penalty for taking life of president, vice president or cabinet officer.

SECTION 1. That whoever maliciously, willfully and within this state shall make an attempt by any means whatsoever, to take the life of the president or vice president of the United States, or of any cabinet officer in the line of succession to the presidency under the laws of the United States, shall, on conviction, if such attempt results in the death of the person upon whom such attempt is made, suffer the death penalty.

Penalty for attempting same.

If any such attempt shall not result in the death of the person upon whom such attempt is made, the person making such attempt, shall, on conviction, be imprisoned in the penitentiary for life.

Penalty for taking life of governor or lieutenant governor.

SECTION 2. Whoever maliciously, willfully and within this state shall make an attempt by any means whatsoever to take the life of the governor or lieutenant governor of the state of Ohio, or of the governor or lieutenant governor of any state, territory or possession of the United States shall, on conviction, if such attempt results in the death of the person upon whom such attempt is made, suffer the death penalty.

Penalty for attempting same.

If any such attempt shall not result in the death of the person upon whom such attempt is made, the person making the attempt shall, on conviction, be imprisoned in the penitentiary for not less than twenty years, and such person may in the discretion of the court, be imprisoned in the penitentiary for life.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 176G

[Senate Bill No. 44.]

AN ACT

For the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes.

Be it enacted by the General Assembly of the State of Ohio:

Joint board for control and management of public lakes, reservoirs and state lands.

SECTION 1. That all lakes, reservoirs, and state lands that have been heretofore or that may hereafter be dedicated or set apart for the use of the public, for park and pleasure resort purposes, shall be under [the] control and management of the board of public works, the chief engineer of the public works and the Ohio canal commission acting jointly, as said boards now discharge their official duties when leasing state lands; provided, that in case the said board of public works, the chief engineer of the public works, or the Ohio canal commission, or either of them, shall be discontinued by statutory provision or otherwise, then said management and control shall devolve upon the remaining members of said joint board or their successors having charge of the leasing of state lands.

Shall have power to prescribe and enforce necessary rules and police regulations.

SECTION 2. And be it further enacted that the said board of public works, the chief engineer of the public works and the Ohio canal commission, in the discharge of their duties relating to the management and control of said public parks and pleasure resorts, shall have power to describe and enforce such rules and police regulations, subject to statutory provisions, as may by them be deemed necessary for the proper protection and safety of the public, and in carrying out such police regulations, the joint board, provided for in the first section of this act, may expend for police patrol purposes upon each of said parks or pleasure resorts, a sum not exceeding $350.00 per annum out of the receipts or rentals derived from the lease of lands or special privileges made or granted in connection with the use of such parks or reservoirs as pleasure resorts but no sum greater than such earnings of any park or pleasure resort shall be expended upon it for such purposes.

Appointment of police patrolmen; powers.

SECTION 3. The joint board provided for in the first section of this act shall have power to appoint police patrolmen to preserve order and protect the public at any state reservoir and adjacent state land that has been dedicated or set apart for a public park or pleasure resort, and such police patrolmen shall have the same power and authority, in the discharge of their official duties, as is conferred by the statutes of Ohio on constables, and their jurisdiction shall be coextensive with the counties touching or including any portion of such public park or pleasure resort, and before entering upon the duties of his office, each police patrolman shall give bond to the state of Ohio in any sum not exceeding $1,000.00 nor less than $500.00, to be approved by the joint board provided for in the first section of this act, conditioned for the faithful and diligent dis-

Jurisdiction.

Bond.

Oath.

charge of his duties, and shall take an oath of office, to be administered by the president of the board of public works, which oath shall be indorsed on the back of the bond, which shall be filed for safe keeping in the office of the state board of public works.

Fund for maintaining, improving and policing such parks.

SECTION 4. And be it further enacted that all revenues derived from the granting of special privileges connected with such parks or pleasure resorts as aforesaid, shall be set apart as a special fund, for the purpose of maintaining improving and policing the same, and such of receipts not more than two thousand dollars during the first year, nor more than one thousand dollars during any subsequent year shall be expended under [the] direction of the joint board provided for in the first section of this act upon warrants drawn by the president of the board of public works, after a majority of the members of each board, [comprising] composing said joint board, have approved the bills or accounts for which such warrants are drawn at any regular or called session of said joint board.

Secretary of board of public works shall act as secretary to joint board; duties.

SECTION 5. It shall be the duty of the secretary of the board of public works to keep a regular journal of all the proceedings of the joint board meetings relating to such parks or pleasure resorts, and enter the same in a separate book to be kept for that purpose. The said secretary shall also keep a separate account of all revenues derived from leases of state lands in and adjacent to said parks or pleasure resorts, likewise of all funds derived from the sale of special privileges in connection with the same, and shall credit, in a separate account, to each park or pleasure resort, all moneys derived from the lease of lands or sale of special privileges in connection with such parks or pleasure resorts. Said secretary shall also furnish, as often as may be necessary to such canal collectors as are charged with the duty of collecting the rentals to be derived from land leases and from the sale of special privileges in connection with such parks or pleasure resorts, a list embracing the names of all persons from whom such revenues are to be collected, together with a description of the lands embraced in such leases, likewise of the special privileges for which rentals are to be collected.

Report of canal collectors.

SECTION 6. The canal collectors charged with the duty of collecting the rentals for leases of state land in or adjacent to said parks, and for special privileges in connection therewith, shall keep such accounts in separate books to be provided for that purpose, and in transmitting such funds to the state treasurer, such canal collectors shall accompany the same with a separate statement, giving the names of the persons from whom and for what purposes such moneys were collected, and to what park or pleasure resort such funds are to be accredited, and shall furnish duplicate statements to the board of public works and auditor of state.

SECTION 7. There shall be collected annually, through such officers as the joint board provided for in the first section of this act shall designate, the following fees upon all boats and water craft maintained and operated, (canal traffic boats excepted) in or upon any of the waters of any state reservoir dedicated or set apart for the use of the public for park or pleasure resort purposes: row boats carrying not more than five persons, one dollar; row boats carrying more than five persons, fifty cents additional for each person in excess of five; electric, naptha and steam launches, steam boats and water crafts used for similar purposes, one dollar for each person (170 pounds) that may be carried thereon with safety, and all moneys derived from this source shall be accredited to the funds provided for in the third section of this act, and upon the payment of such fees, the joint board, provided for in the first section of this act, shall issue a written permit, to be signed by the president of the state board of public works, authorizing such person, persons or corporation to maintain and operate the boats for which such fees have been paid upon the waters of such public parks or pleasure resorts, in the manner prescribed in such permit, but such permit shall be revoked by the joint board provided for in the first section of this act on proof that such boat or boats are used for illegal purposes.

Fees for maintenance and operation of boats on state reservoir.

SECTION 8. In carrying out the provisions of section 7 of this act, the joint board, provided for in the first section of this act, shall procure suitable metal plates, to be numbered consecutively, to be issued annually to parties desiring to use boats on the waters of such public parks, for which the fees provided for in section 7 of this act shall be charged, and any maintaining or operating a boat on the waters of any such public park or pleasure resort, without first obtaining the necessary permit and displaying at all times such metal plate, in a conspicuous manner, on the side or end of his boat, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding twenty dollars, nor less than five dollars, and stand committed till such fine and costs are paid, and the permit issued to such person shall be revoked and annulled.

Metal plates to be affixed to all boats thus licensed.

Penalty for non-compliance.

SECTION 9. The joint board, provided for in the first section of this act, may cause to be inspected, as often as they may deem necessary, all boats and water craft maintained and operated in or upon [any of] the waters of any state reservoir or lakes, dedicated or set apart for the use of the public for park or pleasure resort purposes, and shall have power to condemn any such boats or water craft deemed by them unsafe for the carrying of passengers, and the owner of any such boat or water craft so condemned, who offers the same for hire after such condemnation, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars ($100.00) nor less than ten dollars ($10.00), and stand

Inspection of water craft.

Penalty for using condemned boat.

committed till such fine and costs are paid, and the permit issued to such person shall be revoked and annulled.

This act shall not interfere with or affect use of such for canal reservoir purposes.

SECTION 10. Nothing contained in this act shall in any manner interfere with or affect the use of any state reservoir or lake dedicated or set apart as a public park or pleasure resort, for canal reservoir purposes, nor shall the state board of public works and the chief engineer of the public works be restricted in any manner from making such repairs and improvements thereon as they may from time to time deem necessary for maintaining the safety and usefulness of the same for canal purposes; the authority of said board of public works and the chief engineer of the public works to manage and control said reservoirs or lakes, for canal purposes, shall remain and be the same as if no dedication of such reservoirs for park or pleasure resort purposes had been made.

As to enforcement of laws relating to protection of birds, fish and game.

SECTION 11. All lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes, with respect to the enforcement of all laws relating to the protection of birds, fish and game, shall be under the supervision and control of the commissioners of fish and game; and all laws of the state enacted for the protection of fish in inland rivers and streams of the state, together with all laws enacted for the protection of birds, fish and game, shall apply to all such state reservoirs and lakes set apart for public parks and pleasure resorts.

Annual report.

SECTION 12. The joint board, provided for in the first section of this act, shall make annual report to the governor (to be included in the report of the state board of public works) setting forth the action of said joint board on all matters pertaining to the management and control of all state reservoirs, lakes and lands set apart for public parks and pleasure resorts, including a statement of all receipts and expenditures.

SECTION 13. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 177G

[Senate Bill No. 110.]

AN ACT

To regulate the sale of poisons and to repeal sections 4238-27, 4364-54, and 6957 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Regulating the sale of poisons.

SECTION 1. It shall be unlawful for any person to knowingly sell or deliver to any minor under sixteen years of age, except upon the written order of an adult, or to sell

or to deliver to any person, any of the following described substances, or any poisonous compound, poisonous combination or poisonous preparation thereof, to-wit: The compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, zinc, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, carbolic acid, the essential oils of almonds, penny royal, tansy and savin, croton oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis, indica, digitalis, hyoscyamus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, strophanthus, stramonium, veratum viride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or any other poisonous alkaloids or their salts or any other virulent poison, except in the manner following:

It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, "Poison," and the names of two or more substances which may be used as antidotes. And before delivery shall be made of any of the foregoing substances, there shall be recorded in a book [kept] for that purpose the name of the article, the quantity delivered, the purpose for which it is alleged to be used, the date of delivery, the name and address of the purchaser, and the name of the dispenser, which book shall be preserved for at least five years, and shall at all times be open to inspection by the proper officers of the law.

Exceptions.

SECTION 2. The provisions of section 1 of this act shall not apply to articles dispensed to or upon the order or prescription of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry and the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale, but the box, bottle or other package containing such substance when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler; nor shall it be necessary to place a poison label upon, nor to record the delivery of the sulfid of antimony, or the oxid or carbonate of zinc, or of colors ground in oil, and intended for use as paints, or calomel, paregoric, or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in section one of this act when a single box, bottle or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce, does not contain more than an adult medicinal dose of such poisonous substance; nor in case of preparations recommended in good faith for diarrhoea and cholera, when

each bottle or package is accompanied by specific directions for use and a caution against habitual use; nor in the case of liniments and ointments when plainly labeled "For external use only." Nor in the case of preparations put up and sold in the form of pills, tablets or lozenges and intended for internal use, where the dose recommended does not contain more than 1-4 of an adult medicinal dose of such poisonous substance.

What may be sold only upon prescription.

SECTION 3. It shall be unlawful for any person to dispense, sell or deliver to any person, any salts of cocaine, morphine, or its salts, or any of the alkaloids or salts of alkaloids of opium, except upon the written prescription of a legally qualified physician, or dentist, such prescription not to be refilled, except upon the written order of the [person] prescribing the same; except, however, that sulphate of morphine may be sold by a registered pharmacist or assistant pharmacist in original packages containing not less than one-eighth ounce when registered in accordance with the provisions of section one of this act.

Exception.

Penalty.

SECTION 4. The penalty for the violation of any of the provisions of any section of this act shall be not less than ten dollars nor more than fifty dollars for each separate offense.

Repeals.

SECTION 5. Section 4238-27, section 4364-54 and section 6957 of the Revised Statutes of the state of Ohio are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after the first day of January, A. D. 1903.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 178G

[Senate Bill No. 92.]

AN ACT

Relating to the employment and pay of expert witnesses.

Be it enacted by the General Assembly of the State of Ohio:

Employment and pay of expert witnesses.

SECTION 1. When in the examination or trial of any person accused of the commission of crime, or upon inquiry before the grand jury it shall appear to the prosecuting attorney or the assistant prosecuting attorney to be necessary to the due administration of justice to procure examination by chemical or other experts, or the testimony of expert witnesses, the county commissioners may, upon the certificate of the prosecuting attorney or his assistant that such services were or will be necessary to the due administration of justice, allow and to pay such expert such com-

pensation for his services as the court approves and as the commissioners may deem just and proper.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 179G

[Senate Bill No. 43.]

AN ACT

Dedicating the Licking reservoir, or Buckeye lake, and the Lewiston reservoir, Portage-Summit, Portage lake, Indian lake and Celina grand reservoir as public parks or pleasure resorts, and repealing the acts providing for the dedication of the Licking reservoir as a public park, passed April 21, 1896 (vol. 92, Ohio laws, pages 265 and 266), likewise the act setting apart the Lewiston reservoir as a public lake, passed April 19, 1898 (93 Ohio laws, page 142).

Be it enacted by the General Assembly of the State of Ohio:

Certain bodies of water and adjacent state lands dedicated and set apart as public parks.

SECTION 1. That the body of water and adjacent state lands situate in Licking, Fairfield and Perry counties, Ohio, and known as the Licking reservoir or Buckeye lake, likewise the body of water and adjacent state lands situate in the northwestern part of Logan county and known as the Lewiston reservoir or Indian lake, likewise, the body of water and adjacent lands owned by the state of Ohio, in the county of Mercer known as the Celina grand reservoir, likewise the bodies of water and adjacent lands owned by the state consisting of the Summit county lakes and reservoirs of the Ohio canal known as the Portage-Summit reservoir, together with the Summit lake and sufficient of the Summit level of the Ohio canal to maintain the present water level of Summit and Nesmith lakes, all situated in Summit county, be and the same are hereby dedicated and set apart forever for the use of the public, as public parks or pleasure resorts, the first to be known and designated by the name of "Buckeye lake," and the second to be known and designated by the name "Indian lake," the third to be known and designated by the name of Portage lakes.

Joint board for the management and control thereof.

SECTION 2. The said Buckeye lake and Portage lakes and the said Indian lake, for park and pleasure resort purposes, shall be under the management and control of the board of public works, the chief engineer of the public works, and the Ohio canal commission, acting as a joint board, in the same manner as said boards now act in matters relating to the leasing of state lands provided, that in case the said board of public works, the chief engineer of the public works or the Ohio canal commission, or either of them shall be discontinued by statutory provision or other-

wise, then said management and control shall devolve upo the remaining members of said joint board or their succes sors having charge of the leasing of state lands.

Such waters to be open to the public as pleasure resorts.

SECTION 3. The said Buckeye lake and the said India lake and said Portage lakes shall, at all times be open t the public as resorts for recreation and pleasure, includin the privilege of hunting, fishing and boating, but the priv ilege of hunting and fishing shall be subject to the statutor provisions of the fish and game laws of the state, and th boating privileges shall be subject to such rules and regu lations as may be prescribed by the joint board, provided fo in the second section of this act.

Adjacent state lands may not be sold.

SECTION 4. No state lands, in or adjacent to sai Buckeye lake, Indian lake and Portage lakes shall ever b sold, but the board of public works, the chief engineer o the public works, and the Ohio canal commission may leas such lands as said joint board may deem proper under th laws governing the leasing of canal lands.

Survey.

SECTION 5. The Ohio canal commission, as soon a may be practicable, shall cause a survey to be made of sai Buckeye lake, Indian lake and Portage lakes and adjacen state lands, as provided for in sections 218-221 of the Re vised Statutes of Ohio, and shall mark said survey in a per manent manner by planting substantial stone monument so as to define the lines of state property.

This act shall not interfere with or affect use of same for canal reservoir purposes.

SECTION 6. The dedication and use of said reservoir for public parks and pleasure resorts, shall in no wise inter fere with or affect the use of the same for canal reservoi purposes, nor shall such dedication affect in any manne existing leases or privileges, nor shall the state board o public works and the chief engineer of the public work be restricted in any manner from making such repairs an improvements thereon as they may from time to tim deem necessary for maintaining the safety and usefulnes of the same canal purposes; the authority of said board o public works and the chief engineer of the public work to manage and control said reservoir or lakes, for canal pur poses, shall remain and be the same as if no dedication o such reservoirs for park or pleasure resort purposes ha been made.

Injuries to property or animals.

SECTION 7. No person shall disturb, injure, or destro any tree, plant, lawn, embankments, decorations or othe property of any kind upon any of the islands within th boundary of said lake, or any embankment or state land adjacent thereto; nor kill, injure, or disturb any water fowl water animal, birds or game acquired by donation or pur chase and placed and kept within the boundary lines of sai lakes as semi-domestic pets.

As to enforcement of law for the protection of birds, fish and game.

SECTION 8. Said Buckeye lake, Indian lake, and Por tage lakes shall, with respect to the enforcement of all law relating to the protection of birds, fish and game, be unde the supervision and control of the commissioners of fis and game; and all laws of the state enacted for the pro

tection of fish in the inland rivers and streams of the state, together with all laws enacted for the protection of birds and game, shall apply to said Buckeye Lake, Indian lake and Portage lakes.

Penalty for violation of this act.

SECTION 9. Whoever violates any provision of this act, shall upon conviction be fined as provided in section 6968, Revised Statutes; and upon a failure to pay any fine or costs imposed, the person so convicted shall be imprisoned as provided in section 409*e*, Revised Statutes.

Repeals.

SECTION 10. That the "Act providing for the dedication of the Licking reservoir as a public park," passed April 21, 1896 (Vol. 92, Ohio laws, pages 265 and 266), and "An act to set apart Lewiston reservoir as a public lake," passed April 19, 1898 (93 O. L., 142), be and the same are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 1806

[Senate Bill No. 210.]

AN ACT

To amend section 719 of the Revised statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Asylums for the insane:

SECTION 1. That section 719 of the Revised Statutes of Ohio be amended so as to read as follows:

Costs and fees in inquests of insanity.

Sec. 719. The taxable costs and expenses to be paid under the provisions of this chapter shall be as follows: To the probate judge with whom the affidavit is filed, the sum of two dollars for holding an inquest; for each warrant, certificate or subpoena he necessarily issues, the same fees as are allowed by law to the clerk of the court of common pleas for similar services; and the amount of postage on all communications to and from the superintendent which the judge is required to pay; to the medical witness who makes out the certificate, two dollars, and witness fees such as are allowed by law in other cases; to the witnesses and constables, the same fees as are allowed by law for like services in other cases; to each person employed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the jailer for keeping an idiot or insane person, thirty-five cents per day; to the sheriff, or other person, other than assistant, for taking an insane person to a state hospital, or removing one therefrom upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and return-

ing, and seventy-five cents per day for the support, a
mileage at the rate of three cents per mile for the railw
transportation of each patient to and from the hospit
and to one assistant five cents per mile, each way, a
nothing more, for said services, the number of miles to
computed in all cases by the nearest route traveled; the co
specified shall be paid out of the county treasury, up
the certificate of the probate judge, provided that when
appears necessary to the sheriff at the time of conveyi
said person to the hospital, the condition of the patie
requires the same, he shall be authorized to provide
conveyance for the said patient from the nearest railro
station, except that in counties where state hospitals a
located, the sheriff may provide a conveyance from t
county seat, and the costs of the same shall be taxed in t
bill of costs and paid as other costs in the case.

Repeals, etc.

SECTION 2. That said original section 719 of the R
vised Statutes of Ohio be and the same is hereby repeale
and this act shall take effect and be in force from and aft
its passage.

W. S. MCKINNON,
Speaker of the House of Representative
F. B. ARCHER,
President pro tem. of the Sen
Passed April 28, 1902. 181G

[Senate Bill No. 26.]

AN ACT

To amend section 6307 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Guardians and trustees:

SECTION 1. That section 6307 of the Revised Statut
of the state of Ohio be amended so as to read as follows:

Dower of insane, idiotic or imbecile person; how assigned or sold.

Sec. 6307. The guardian of any idiotic, imbecile, o
insane person, who has, or is supposed to have a right o
dower, or a contingent right of dower, in any lands or ten
ements, of which the husband or wife of such person wa
seized as an estate of inheritance, or in any land held b
bond, article, or other evidence of claim, where the dowe
has not been assigned, shall have power to sell, compromis
or adjust the same upon such terms as he shall deem fo
the interest of such person, and as the probate court of th
county in which the guardian was appointed shall approv
if appointed in this state; or if the guardian was appointe
in a foreign state, then as the probate court of the count
in which the land is situated, shall approve; and in eithe
case after such approval, the guardian may execute an
deliver all the needful deeds, releases, and agreements fo
the sale, compromise, or assignment of such dower, or con
tingent right of dower.

SECTION 2. That said original section 6307 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 182G

[Senate Bill No. 226.]

AN ACT

To amend sections 63, 65 and 66 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 63, 65 and 66 of the Revised Statutes of Ohio be amended so as to read as follows: Annual reports of state officers and boards.

Sec. 63. There shall be printed, the number hereinafter stated of each of the annual reports of the following officers and boards: Number to be printed: how distributed.

Secretary of state, including statistics, for the secretary, two thousand five hundred copies; for each member of the general assembly, ten copies.

Auditor of state, including detailed statement of receipts and disbursements: For the auditor, seven hundred copies, for each member of the general assembly, ten copies.

Treasurer of state: For the treasurer, three hundred copies.

Sinking fund commissioners: For the commissioners, fifty copies.

Attorney general: For the attorney general, two hundred copies.

Commissioner of common schools: For the commissioner, five thousand copies; for each member of the general assembly, ten copies; for each member of the board of county school examiners, thirty-five copies for distribution among teachers, boards of education, and special school boards.

Commissioners of the state library: For the commissioners, two hundred copies.

Supervisor of public printing: For the supervisor, one hundred copies.

Commissioners of railroads and telegraphs: For the commissioner, one thousand copies; for each member of the general assembly, five copies; each copy to contain a correct railroad map of the state; of railroad maps, mounted on cloth and paper rollers, for the commissioner, one thousand copies; for each member of the general assembly, one hundred and twenty-five copies; of railroad maps in pocket

edition form, for the commissioner, one thousand copie for each member of the general assembly, fifty copies, pr vided, however, that the commissioners of railroads ar telegraphs shall control the publication and distribution the same.

Commissioner of fisheries: For the commission, tw hundred and fifty copies.

State inspector of oils: For the inspector, three hu dred copies.

Adjutant general: For the adjutant general, six hu dred copies.

Board of public works: For the board, two hundre copies.

Warden and directors of the penitentiary: For th warden and directors, five hundred copies.

Institution for the education of the deaf and dumb For the institution, five hundred copies.

Institution for the education of the blind: For th institution, five hundred copies.

Columbus asylum for the insane: For the superin tendent, five hundred copies.

Athens asylum for the insane: For the superintenden five hundred copies.

Dayton asylum for the insane: For the superintenden five hundred copies.

Cleveland asylum for the insane: For the superin tendent, five hundred copies.

Longview asylum for the insane: For the superin tendent, five hundred copies.

Boys' industrial school: For the superintendent, fi hundred copies.

Girls' industrial home: For the superintendent, fi hundred copies.

Institution for idiotic and imbecile youth: For the in stitution, five hundred copies.

Board of state charities: For the board, one thousan copies.

Soldiers' and sailors' orphans' home: For the boar of trustees, five hundred copies.

Soldiers' and sailors' home: For the board of trustee five hundred copies.

Ohio state university: For the trustees and officer five thousand copies.

Inspector of mines: For the inspector, two thousan copies; for each member of the general assembly, five copie

Commissioner of statistics of labor: For the com missioner, five thousand copies; for each member of the ge eral assembly, ten copies.

Superintendent of insurance: For the superintende of fire and life insurance report, two thousand copies; fo each member of the general assembly, of the fire and li insurance report, ten copies.

Meteorological bureau: For the board of director five hundred copies.

Inspector of shops and factories: For the inspector, three thousand copies; for each member of the general assembly, five copies.

Forestry bureau: For the bureau of directors, one thousand copies.

State board of agriculture: For the board, twenty-five hundred copies; for each member of the general assembly, ten copies.

The several reports furnished to members of the general assembly shall be boxed and directed to the members, in care of the county auditor of the county where they respectively reside, unless the members shall otherwise direct; and the charge for transportation of such reports shall be paid in the same manner as provided by law for the distribution of laws and journals.

Printing of executive messages and inaugural addresses.

Sec. 65. All regular messages of the governor, and all inaugural addresses of the governor-elect, shall be printed in pamphlet form; for the governor delivering such messages or addresses, two hundred and fifty copies; for each member of the general assembly, five copies, without order by either or both houses for the printing thereof.

Executive documents; number to be printed.

Sec. 66. At the same time that the documents mentioned in sections sixty-three and sixty-five are printed in pamphlet form, there shall be printed on the same type, six hundred copies of each document named, in a volume or volumes, paged consecutively, with running heads designating each report, to be styled "Executive documents," to be bound in half law binding, and the supervisor of public printing shall make out an index to be printed at the commencement or closing of each volume. There shall be no charge for composition for printing the six hundred copies of said executive documents, except for the index and title page; but the commissioners of public printing may allow a fair compensation for the time consumed in changing the forms. One copy of this "Executive document" when so bound shall be sent to each member of the general assembly, and two copies of these executive documents when so bound shall be sent to each county auditor, one to be placed on file in his office and the other in the office of the county clerk; the report of the secretary of state, auditor of state, commissioner of railroads and state school commissioner, shall not be put in the executive documents.

Repeals, etc.

SECTION 2. That original sections 63, 65 and 66 are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 183G

[House Bill No. 329.]

AN ACT

To amend section 2745 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Excise tax upon insurance companies:

SECTION 1. That section 2745 of the Revised Statut of Ohio be so amended as to read as follows:

Annual statements of such companies.

Sec. 2745. Every insurance company, incorporated the authority of any other state or government shall, in annual statement to the superintendent of insurance, s for the gross amount of premiums received by it in t state during the preceding calendar year, without dedu tions for commissions, return premiums or considerati paid for reinsurance, or any deductions whatever; and sha also, therein set forth, in separate items, return premiu paid for cancellations and, also, considerations receiv from other companies for reinsurance in this state, duri

Payment of tax to superintendent of insurance.

such year. Every such company shall, annually, in t month of November, pay to the superintendent of insuran an amount equal to two and one-half per cent of the balan of such gross amount, after deducting such return pr miums and considerations received for reinsurances, shown by its next preceding annual statement.

Foreign insurance companies.

If the laws of any other state, territory or nation a thorize charges for the privilege of doing business there or taxes against any insurance companies, which are, may be organized in this state, exceeding the charges here provided, the same shall be charged against all insuran companies of such state, territory or nation, doing busine in this state, in place of the charges herein provided.

Penalty for failure to pay tax or make true statement.

any such company refuse to pay said tax, after dema therefor has been made; or, if the statement made by under this section is false, the superintendent of insuran shall revoke the license of such company to do business this state. If, at any time, said superintendent has reas to suspect the correctness of any such statement he ma

Examination of books of company.

at the expense of the state, make an examination of t books of such company, or of its agents, for the purpo of verifying the same. All taxes collected under the pr visions of this section by the superintendent of insuran shall be paid by him, upon the warrant of the auditor, in the general revenue fund of the state.

Insurance companies and associations, incorporated the authority of another state or government or the supe intendent of insurance, shall not be required to make retur of deposits of such companies or associations, made as r quired by law with such superintendent of insurance f the benefit and security of policy holders, and shall not governed, in respect to such deposits, by the provisions section 2744, or of section 2734 of the Revised Statutes Ohio.

SECTION 2. That said section 2745 of the Revised Statutes of the state of Ohio, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 184G

[House Bill No. 1027.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio, and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That at the general election to be held on the first Tuesday after the first Monday of November, 1903, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election. Return of vote cast for or against constitutional amendment.

SECTION 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the deputy supervisors of elections of each county to the state supervisor of elections, within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay. Return by deputy state supervisors of election to state supervisor of elections. Canvass of votes.

SECTION 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper of general circulation in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1903, and in counties where newspapers of general circulation represent each of the two leading political parties, then such amendments shall be published in one newspaper of each Publication of proposed amendments to constitution.

German newspaper.

political party once each week for six months, and until said first Tuesday after the first Monday of November, 1903; and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Charges for publication.

SECTION 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 185G

[House Bill No. 92.]

AN ACT

To require prepayment or security for costs in actions for divorce or alimony, or both; proviso.

Be it enacted by the General Assembly of the State of Ohio:

Prepayment or security for costs in actions for divorce or alimony in Montgomery and Clark counties.

SECTION 1. That no clerk of any court of common pleas in any county containing a city of the second grade or third grade *a*, of the second class shall receive or file a petition for divorce or alimony or for divorce and alimony, until the party named as plaintiff in such petition, or some other party on his or her behalf, shall make prepayment or deposit with the clerk of such an amount as will cover the costs which may likely accrue in such action, exclusive of attorney fee, or shall give such security for said costs as may in the judgment of the clerk be satisfactory; provided, that where any party plaintiff is without sufficient financial means, the clerk shall, upon such party making affidavit of inability either to prepay or give security for costs, receive and file the petition of such party, said affidavit to be approved by a judge of said court of common pleas, and to be filed with the petition and treated as are other similar papers in such cases.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 186G

[House Bill No. 597.]

AN ACT

To amend section 1802 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1802 of the Revised Statutes of Ohio be amended so as to read as follows: Police court:

Sec. 1802. During the absence, inability or disability of the judge, the mayor may hold the court, or may select for the purpose a reputable member of the bar, or a justice of the peace, residing within the city, who shall have the jurisdiction and powers conferred upon judges of police courts, be styled "acting police judge" and, as such, sign all process and records during the time he shall serve, and perform all other acts pertaining to the office; and in case the mayor hold the court, he shall have all the powers, and perform all the duties of the judge; except, that in cities of the third grade of the first class, during the absence, inability or disability of the judge, the clerk of police court shall select for the purpose of holding court a reputable member of the bar, or a justice of the peace, residing within the city, who shall have the jurisdiction and powers conferred upon judges of police courts, be styled "acting police judge," and, as such, sign all process and records during the time he shall serve, and perform all other acts pertaining to the office. "Acting police judge." Toledo.

SECTION 2. That said original section 1802 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 187G

[Senate Bill No. 107.]

AN ACT

To further promote the efficiency of the Ohio national guard, and to amend section 98, Revised Statutes of Ohio, as amended April 6, 1900; section 3033; section 3036 as amended April 16, 1900; sections 3037, 3038, 3044, 3049, 3063 and 3064; section 3082, as amended April 16, 1900; section 3084, and to repeal an act entitled "An act for the establishment of a battalion of engineers in the Ohio national guard," passed April 21, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 98, Revised Statutes of the state of Ohio, as amended April 6, 1900; section 3033; section 3036, as amended April 16, 1900; sections 3037, 3038, 3044, 3049, 3063 and 3064; section 3082, as amended April Ohio national guard:

16, 1900, and section 3084, are hereby amended, to read
follows:

Appointment and duties of military staff.

Sec. 98. The governor as commander-in-chief sha
appoint the following staff officers: an adjutant genera
who shall also be inspector general and (ex officio) chi
of staff; a quartermaster general, who shall also be cor
missary general; a chief of engineers; a surgeon genera
and a judge advocate general, each of whom shall ha
the rank of brigadier general; an assistant adjutant genera
and an assistant quartermaster general, each with the ra
of colonel. He shall also appoint such number of aid
with the rank of colonel, not to exceed eleven, as, in his di
cretion, the needs of the service may seem to require.

Salary of adjutant general.

The adjutant general shall have an office in the sta
house and shall receive for his services a salary of two tho

Assistant adjutant general; duties and compensation.

sand dollars per annum. The assistant adjutant gener
shall serve in the office of the adjutant general, under h
directions, and shall have the authority to sign official
any copy, transcript, or other document pertaining to t
records or duties of the office of the adjutant general, a
for his services shall receive a salary of fifteen hundr
dollars per annum. In time of peace, and when not othe
wise ordered by the governor, the adjutant general sha
also perform the duties of quartermaster general.

Active militia; how constituted and apportioned.

Sec. 3033. In time of peace the active militia, known
the "Ohio national guard," shall consist of the staff of t
governor, as provided for in section 98 in this act, a medic
department, a signal corps, four companies of engineer
and not to exceed one hundred companies of infantry, fo
batteries of artillery and two troops of cavalry, all to
allotted and apportioned in such localities of the state
the necessities of the service in the discretion of the cor
mander-in-chief may require, and the commander-in-chi
is authorized and empowered, in so far as may be prac
cable, to change the individual organization of the guar
or any part thereof, from time to time, to correspond wi
that of the United States army.

Medical department.

Sec. 3036. The medical department, in addition to t
surgeon general provided for in section 98 in this act, sha
consist of an assistant surgeon general with the rank
lieutenant colonel, who shall be assigned to duty with t
staff of the division commander; ten surgeons, each wi
the rank of major, two of whom shall be assigned to du
with the staff of the brigade commanders, and the remainir
eight of whom shall be assigned to duty with infantry re
iments; and thirty-four assistant surgeons, each with t
rank of captain, who shall be assigned to duty with t
different organizations of the guard, not to exceed o
to each battalion, battery, troop or company. These office
shall be appointed and commissioned by the commander-i
chief, upon the recommendation of the commanding office
of the organizations with which their duties are to be pe
formed, but they shall be subject to such duty outside

these organizations as may be assigned them by the commander-in-chief. The enlisted men of the medical department shall be known as the hospital corps, and shall consist of eleven hospital stewards, thirty-four acting hospital stewards, and not more than two hundred and thirty-five privates, who shall be enlisted, appointed and assigned to duty with organizations in such manner as may be prescribed by the commander-in-chief.

Signal corps.

The signal corps shall consist of two captains, four first and two second lieutenants, ten first class sergeants, twenty sergeants, twenty corporals, four cooks, and not more than sixty-six first class privates. The commissioned officers shall be appointed and commissioned by the commander-in-chief from such persons as may seem to possess the necessary qualifications therefor, but such appointees shall be subject to the prescribed examination prior to being commissioned. The enlisted men of the corps shall be formed into not more than two companies and the commissioned officers shall be assigned to duty therewith in such manner as may be prescribed by the commander-in-chief.

Infantry organizations.

Each regiment shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three companies each. The field officers of a regiment shall consist of a colonel and a lieutenant colonel; and for each battalion one major. The regimental staff officers shall consist of an adjutant, a quartermaster and a commissary, each with the rank of captain, a chaplain, and for each battalion, an adjutant with the rank of first lieutenant. The non-commissioned staff of a regiment shall consist of a sergeant major, a quartermaster sergeant, a commissary sergeant, a battalion sergeant major for each battalion and two color sergeants.

Regimental band.

A regimental band shall consist of one chief musician, who shall be the band leader; one principal musician, one drum major, four sergeants, eight corporals, one cook and not more than twenty privates.

Unattached battalion.

The field officer of an unattached battalion shall be a major. The staff officers shall consist of an adjutant, a quartermaster, each with the rank of first lieutenant, and a chaplain. The non-commissioned staff shall consist of a sergeant major, a quartermaster sergeant, a commissary sergeant and two color sergeants. The band of each unattached battalion shall consist of one chief musician, who shall be the band leader, one principal musician, one drum major, two sergeants, four corporals, one cook, and not more than sixteen privates.

Companies; officers and privates.

The commissioned officers of each company of infantry and of engineers shall consist of a captain, one first and one second lieutenant; the enlisted men of each company shall consist of a first sergeant, a quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and not less than thirty-two nor more than fifty-six privates.

Honorable discharge of supernumeraries.

All officers rendered supernumerary by the passage of this act shall be honorably discharged from the service, as of the date of the passage of this act, and any enlisted men rendered supernumerary may be discharged from the service, or transferred to remaining organizations, as they may elect; and further provided that the present commissions of all officers now in the guard, except those of such officers as are not provided for by this act, shall hold and continue in force.

Cavalry organization.

Sec. 3037. The commissioned officers of each troop of cavalry shall consist of a captain, one first and one second lieutenant; the enlisted men of each troop shall consist of one first sergeant, one quartermaster sergeant, one veterinary sergeant, six sergeants, eight corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters and not less than thirty-eight nor more than seventy-six privates.

Artillery organization.

Sec. 3038. The commissioned officers of each battery of light artillery shall consist of a captain, two first lieutenants and one second lieutenant; the enlisted men of each battery shall consist of one first sergeant, one quartermaster sergeant, one veterinary sergeant, four sergeants, eight corporals, two cooks, two trumpeters, two farriers and blacksmiths, and not less than forty nor more than eighty privates.

Election and term of officers.

Sec. 3044. The officers of the national guard (the staff of the commander-in-chief excepted), excepting as provided for in section 3049 in this act, shall serve during good behavior and faithful performance of duty. Elective officers shall be elected as follows: General officers by the written or printed ballots of the officers and enlisted men of their respective commands; field officers of regiments and battalions by the written or printed ballots of the officers and enlisted men of the respective regiments and battalions; company officers by the written or printed ballots of the officers and enlisted men of their respective companies, troops and batteries.

Honorable discharge or retirement of officers.

Sec. 3049. An officer may be honorably discharged by the commander-in-chief upon tender of his resignation; upon the disbandment of the organization to which he belongs; or as provided in section 3063 of this act; or, if a staff officer, upon the written request of the officer upon whose staff he may be serving; upon the qualification of his appointed successor; or as above provided for. Any commissioned officer who shall have served as a member of the Ohio national guard for a period of ten years, five of which shall have been as a commissioned officer, may, at his own request, be placed upon the retired list, to be hereafter kept in the office of the adjutant general. Officers so retired shall receive no compensation for their services except as hereinafter provided, but shall be permitted to wear the uniform of the grade upon which retired, on all occasions of ceremony: Provided, that all officers so retired may, in the discretion of the commander-in-chief, be detailed upon duty other than in the command of troops, and when

so detailed, they shall receive the same pay and allowances as officers on the active list detailed or employed under like conditions.

Courts martial.

Sec. 3063. The commander-in-chief may order courts martial for the trial of officers and enlisted men at such times as the interest of the service may require.

Courts of inquiry.

Courts of inquiry may be ordered by the commander-in-chief, upon the application of the officer concerned, to inquire into the nature of any transaction of, or accusation or imputation against, such officer.

Military boards.

The commander-in-chief is authorized to appoint from time to time military boards of not less than three nor more than five officers, to examine into the capacity, qualifications, conduct and efficiency of any commissioned officer of the national guard: Provided, that each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into, and provided further, that if the report of such a board is adverse to the continuance in the service of any officer, and the report be approved by the commander-in-chief, such officer shall be discharged from the military service of the state.

Procedure of courts.

General courts martial, field officer's courts, courts of inquiry and military boards shall be organized and governed as near as may be in conformity with the articles of war and regulations and rules of procedure as established for the government of the United States army, except that field officer's courts shall have the power to inflict the penalty of dishonorable discharge.

The proceedings, findings and sentences of general courts martial, and the records, opinions and findings of courts of inquiry shall, unless otherwise ordered by the commander-in-chief, be reviewed by the judge advocate general.

Field officer's court.

Sec. 3064. The commanding officer of a regiment or of an unattached battalion may appoint a field officer's court, to consist of a field officer of his command, or a captain to act as such, for the trial of offenses of enlisted men which are within the jurisdiction of a field officer's court in the United States army.

Pay during encampments.

Sec. 3082. Officers and enlisted men shall receive pay for each day actually spent by them on duty at annual encampments, ordered by the commander-in-chief, at the following rate, together with all necessary transportation, quartermaster stores and medical supplies: for each day's service, the major general shall receive $7.00; each brigadier general, $6.00; each colonel, $4.50; each lieutenant colonel, $4.00; each major, $3.50; each captain, mounted, $3.00; each captain, not mounted, and each chaplain, $2.50; each first lieutenant, mounted, $2.25; each first lieutenant, not mounted, and each second lieutenant, mounted, $2.00; and each second lieutenant, not mounted, $1.75, — together with the same allowance for subsistence as is provided for en-

listed men. For each day's service performed each enlisted man shall receive $1.00 and rations at a rate not to exceed forty cents a day.

For all horses used by general, field and staff officers and ambulances, and for officers of cavalry and artillery and signal companies, and for such organizations, not to exceed one horse for each officer and enlisted man actually present, and whose duties require him to be mounted, and for the number actually necessary for batteries of artillery, there shall be paid the sum of $1.50 per day for each horse actually so used.

Pay for service and attendance upon courts martial, etc.

Sec. 3084. For service and attendance upon general courts martial, courts of inquiry, and boards appointed by the commander-in-chief, either as member, judge advocate, recorder or witness, or upon inspection or other duty when ordered by the commander-in-chief, officers shall receive as pay the amount allowed by law for duty at annual encampments, together with transportation in kind and actual necessary expenses for each day's service and the time actually employed in going to and returning from said duty, courts or boards.

Enlisted men employed as clerks and orderlies to, or witnesses before said courts martial, courts or boards, shall receive the sum of $1.00 per day, and expenses not to exceed $1.50 per day, and civilian witnesses such fees and allowances as are provided for witnesses before common pleas courts. Vouchers for all compensation shall be certified by the president of the court or board, approved by the adjutant general, and audited and paid as other accounts against the state.

Repeals, etc.

SECTION 2. Section 98, as amended April 6, 1900; section 3033; section 3036, as amended April 16, 1900; sections 3037, 3038, 3044, 3049, 3063 and 3064; section 3082, as amended April 16, 1900; section 3084, and an act passed April 21, 1898, entitled "An act for the establishment of a battalion of engineers in the Ohio national guard," are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT.
President of the Senate.

Passed April 29, 1902. 188G

[Senate Bill No. 131.]

AN ACT

To amend an act entitled "An act for the apprehension and conviction of horse thieves and other felons," passed March 21, 1887 (O. L. 84 v. p. 169).

Be it enacted by the General Assembly of the State of Ohio:

Corporations for the apprehension and conviction of horse thieves, etc.:

SECTION 1. That an act entitled "An act for the apprehension and conviction of horse thieves and other felons," passed March 21, 1887 (O. L. 84 v. p. 169), be amended so as to read as follows:

That any number of persons, not less than fifteen, a majority of whom shall be residents of the state of Ohio, are hereby authorized to become incorporated for the purpose of apprehending and convicting any person or persons, accused of either felony or misdemeanor.

Seal.

SECTION 2. Any association so incorporated may make and use a common seal with the name of the corporation thereon. A majority of the members of such association shall have the power to adopt a constitution and by-laws for their government; and may elect or appoint such officers as they may deem proper, who shall hold their office during the term provided, by the constitution and by-laws thereof, and who shall perform the duties required of them by said constitution and by-laws, and the provisions of this act; and the presiding officer of any such association or corporation may administer the proper oaths of office to any of its officers or members, and certify the appointment or election thereof under the seal of said corporation. The presiding officer may also appoint deputies, not exceeding one in each township, in any county or counties where such corporation is located, who may administer said oath of office or membership, and certify the appointment or election thereof, which shall be valid when approved by said presiding officer under the seal of said corporation, and the officers and members of said association or corporation upon the proper certificate of the presiding officer thereof, when so elected or appointed, shall have full power and authority, when a felony has been committed, to pursue and arrest, without warrant, any person or persons whom they believe or have reasonable cause to believe guilty of the offense, and arrest and detain such alleged criminal or criminals in any county in the state to which they have fled, and return such accused person or persons to any officer of the county in which the offense was committed, and there detain such accused person or persons until a legal warrant can be obtained for his or their arrest. And any officer or member of any such association or corporation, may under the certificate of authority aforesaid, apply for and obtain a warrant for the arrest of any person or persons accused of felony or misdemeanor, which shall be issued to said member of any such association or corporation by any justice of the peace or police magistrate of any city or village under the same conditions as warrants, are now issued to constables, and under said warrant any such officer or member shall have the same powers to arrest and detain offenders as is now vested in constable.

Constitution.

Officers.

Certificate of appointment or election.

Powers of officers and members.

Assessments; indemnity for losses; expenditures.

SECTION 3. [Assessments; indemnity for losses, expenditures.] Any association may make and collect from its members such assessments as may be authorized by its constitution or by-laws, and may if so provided in its constitution, indemnify its members for losses caused by horse thieves or other felons, and expend such moneys as may be deemed necessary in the pursuit and arrest, and procuring the conviction of felons.

Reimbursement of expenses by county.

SECTION 4. [Reimbursement of expenses by county.] Upon the apprehension and conviction of any person or persons charged with felony by any such associations or corporation, the commissioners of the county in which the crime was committed, may reimburse said association in any sum not exceeding one hundred dollars, for necessary expenses, not otherwise provided for by law, incurred in the apprehension and conviction of any such criminal; and upon the apprehension and conviction by such association of any person or persons accused of misdemeanor, the commissioners of the county in which the crime was committed may reimburse said association in any sum not exceeding seventy-five dollars for necessary expenses incurred, not otherwise provided for by law, in the apprehension and conviction of such criminals.

Repeals, etc.

SECTION 5. Said original act entitled "An act for the apprehension and conviction of horse thieves and other felons," passed March 21, 1887 (O. L. 84, p. 169), is hereby repealed and this act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed, April 29, 1902. 189G

[House Bill No. 440.]

AN ACT

To amend section 6899 and to enact supplemental section 6899*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public justice:

SECTION 1. That section 6899 of the Revised Statutes be amended and supplemented to read as follows:

Penalty for giving or accepting bribe.

Sec. 6899. Whoever, with intent to corrupt a referee, arbitrator, umpire, commissioner, or appraiser of real or personal property, or to influence him with respect to the discharge of his duty, either before or after he is summoned, appointed, or sworn, promises or offers him any valuable thing; and whoever, either before or after he is summoned, appointed, or sworn as a witness, referee, arbitrator, umpire, commissioner, or appraiser of real or personal property, solicits or accepts any valuable thing to influence him with respect to the discharge of his duty as such, shall be fined not more than five hundred dollars, or imprisoned not more than sixty days, or both.

Same as to juror.

Sec. 6899*a*. Whoever, with intent to corrupt a juror, or to influence him with respect to the discharge of his duty, either before or after he is summoned, appointed, or sworn, promises or offers or gives any valuable thing;

and whoever, either before or after he is summoned, appointed, or sworn as a juror, solicits or accepts any valuable thing to influence him with respect to the discharge of his duty as such, shall be fined not more than five hundred dollars or imprisoned in the penitentiary not less than one year, nor more than five years.

SECTION 2. That said original section 6899 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 190G

[House Bill No. 144.]

AN ACT

To amend (3107-45) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section (3107-45) of the Revised Statutes of Ohio be amended so as to read as follows: Military affairs:

Sec. (3107-45). That it shall be the duty of the county commissioners of each county in the state to appoint three suitable persons in each township and ward in their respective counties, other than those prescribed by law for the care of paupers, and the custody of criminals, whose duty it shall be to look after and cause to be interred, in a decent and respectable manner, in any cemetery or burial grounds within the state, other than those exclusively for the burial of paupers, the dead body of any honorably discharged soldier, sailor or marine, having at any time served in the army or navy of the United States, their mothers, wives or widows, and army nurses, who did service at any time in the army of the United States, who shall hereafter die, not having the means to defray the necessary funeral expenses, at a cost not to exceed fifty dollars. Burial of indigent soldiers, sailors and marines and their mothers, wives or widows and army nurses.

The undertaker must use certain forms and contracts herein prescribed, and hereafter prescribed, and abide by the rules and regulations provided for by this act. Such persons so appointed shall hold their appointment so long as they serve to the satisfaction of the county commissioners, and whenever a vacancy occurs from any cause, it shall be the duty of the commissioners to fill such vacancy by the appointment of other suitable persons.

Repeals.

SECTION 2. That said (3107-45) of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 191G

[Senate Bill No. 242.]

AN ACT

To supplement section 1875 of the Revised Statutes and to amend sections 1894, 1899 and 1900 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police boards and officers: Cincinnati.

SECTION 1. That section 1875 of the Revised Statutes of Ohio be supplemented by supplementary section, with sectional numbering, as follows:

Mayor's approval of contract.

Sec. 1875*a*. The recommendation or approval of the mayor shall not be necessary to the making of any contract or expenditure by the board, but no contract or expenditure shall be made if the mayor not having recommended said contract or expenditure, notifies in writing, the board or its clerk of his disapproval thereof.

SECTION 2. That section 1894 of the Revised Statutes of Ohio be amended so as to read as follows:

Incidental expenses of board.

Sec. 1894. For all expenses incurred in the proper maintenance and administration of the police department the commissioners shall have power to appropriate money to pay the same out of the police fund, and thereupon an order signed by the president and countersigned by the clerk of the board shall be drawn upon the city auditor, payable to the person to whom such sum may be due, specifying the purpose for which the appropriation is made, and the city auditor shall draw his warrants on the city treasurer payable to the person in whose name the order was drawn, and the treasurer shall pay the same out of the police fund. Said board of commissioners shall submit all claims created under existing laws, and the same when thus audited shall be paid in the manner provided for the payment of expenses incurred under this act.

SECTION 3. That section 1899 of the Revised Statutes be amended so as to read as follows:

Station houses.

Sec. 1899. The board of commissioners shall provide, at the expense of the police fund, accommodations at the station houses under the control of the board, and, if necessary, at some other designated place within such city, for the lodging of vagrant or disorderly persons, and for the

temporary detention of persons arrested for offenses or held as witnesses.

SECTION 4. That section 1900 of the Revised Statutes of Ohio be amended so as to read as follows:

Lands and buildings for police purposes.

Sec. 1900. The power of purchasing lands for police purposes and the supervision and control of the erection, altering or repairing any station houses, or buildings, shall be solely vested in the board of police commissioners, and all expenses incurred for the above purposes shall be paid out of the police funds of such city, upon the order of the board; provided, that no such purchase or expenditure exceeding one thousand dollars shall be made by the board unless the same shall have been first approved by the board of legislation.

Repeals.

SECTION 5. That said sections 1894, 1899 and 1900 of the Revised Statutes of Ohio, as amended March 30, 1886 (83 O. L., 47) be and the same are hereby repealed.

SECTION 6. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 192G

[House Bill No. 225.]

AN ACT

To amend section 6842 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against property: Embezzlement; fraudulent conversion; penalty.

SECTION 1. That section 6842 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6842. An officer, attorney at law, agent, clerk, guardian, executor, administrator, assignee in insolvency, officer of any lodge or subordinate body of any fraternal or mutual benefit society, servant or employee of any person, except apprentices or persons under eighteen years of age, who embezzles or converts to his own use, or fraudulently takes or makes away with, or secretes with intent to embezzle or convert to his own use, anything of value which shall come into his possession by virtue of his appointment or employment as such officer, attorney at law, agent, clerk, guardian, executor, administrator, trustee, assignee in insolvency, officer of any lodge or subordinate body of any fraternal or mutual benefit society, servant or employee of any person, and any officer, elected or appointed to an office of public trust or profit in this state, or an agent, clerk, servant or employee of such officer or of a board of such officers who embezzles or converts to his own use, or conceals with such intent, anything of value that shall

come into his possesion by virtue of his office or employment, is guilty of embezzlement and shall be punished as for the larceny of the thing embezzled.

Repeals.

SECTION 2. That said original section 6842 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 193G

[House Bill No. 260.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That section 897 of the Revised Statutes of Ohio be and the same is hereby supplemented as follows:

Salary in Van Wert county.

Sec. 897-5. That in the county of Van Wert each county commissioner, from and after September 15, 1902, shall receive as compensation for his services as county commissioner in lieu of per diem, a salary of $1,200.00 per annum, payable in equal monthly installments, out of the county treasury upon warrant of the county auditor; and each commissioner in such county shall, if necessary to the proper and efficient discharge of his official duties as such commissioner, devote his entire time to the duties of his office, and shall receive nothing in addition to the salary so provided either directly or indirectly by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which, before being paid, shall be presented in an account approved in writing by the prosecuting attorney and the probate judge of said county.

SECTION 2. This act shall be in force from and after the fifteenth day of September, 1902.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 194G

[House Bill No. 71.]

AN ACT

To prevent and punish the desecration of the flag of the United States.

Be it enacted by the General Assembly of the State of Ohio:

Penalty for desecration of the flag of the United States.

SECTION 1. Any person who in any manner, for exhibition or display, shall place, or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color, or ensign, of the United States of America, or shall expose or cause to be exposed to public view any such flag, standard, color, or ensign, upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or, who shall expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise, upon which shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than thirty days, or both.

Meaning of certain words.

SECTION 2. The words flag, standard, color or ensign, as used in this act shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture, or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign, of the United States of America.

When this act shall not apply.

SECTION 3. This act shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, society lodge or emblem, ornamental picture, or stationery for use in correspondence,

on any of which shall be printed, painted, or placed, said flag, disconnected from any advertisement.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 195G

[House Bill No. 495.]

AN ACT

To prevent the defrauding of livery stable keepers.

Be it enacted by the General Assembly of the State of Ohio:

Penalty for defrauding liverty stable keepers, etc.

SECTION 1. Whoever, either directly or indirectly, hires from the owner or keeper of any livery stable any horse, mare, stallion, filly, gelding, pony, mule, hack, carriage, buggy, surrey, wagon, sleigh, sled, or whoever hires a bicycle or automobile, with intent to defraud such owner or keeper, shall be fined not exceeding twenty-five dollars, or imprisoned in the county jail or city workhouse not exceeding ten days, or both.

What evidence of fraudulent intent.

SECTION 2. Proof that such person refused to pay for such horse, mare, stallion, filly, gelding, pony, mule, hack, carriage, buggy, surrey, wagon, sleigh, sled, bicycle, or automobile, or that he absconded without paying or offering to pay for the same shall be evidence of the fraudulent intent mentioned in the preceding section.

Printed copy of this act to be posted in prominent place.

SECTION 3. It shall be the duty of the owner or keeper of every livery stable within this state to keep a copy of this act, printed in large, plain English type, posted in a prominent place in the barn or stable where his business is carried on, and no conviction shall be had under this act until it be made to appear to the satisfaction of the court that the provisions of this section have been complied with by the person making the complaint.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 196G

[House Bill No. 930.]

AN ACT

Authorizing the auditor of state to issue duplicate warrants on the state treasury.

Preamble:

WHEREAS, original warrant No. 156, issued November 19th, 1901, in favor of R. Brinkeroff for sixty-eight dollars and ten cents ($68.10) was destroyed before payment was made; and

WHEREAS, original warrants No. 13827, issued October 9, 1901, in favor of W. H. Griffin for $324.06; and No. 13866, issued October 18, 1901, in favor of George Bailey, for twenty-five dollars and sixty-seven cents ($25.67) were lost in transmission and never reached the parties, nor having been presented for payment; therefore

Be it enacted by the General Assembly of the State of Ohio:

Auditor of state to issue duplicate warrants to certain persons.

SECTION 1. That the auditor of state be and is hereby authorized and required to issue duplicate warrants to the said R. Brinkeroff for sixty-eight dollars and ten cents ($68.10); W. H. Griffin for three hundred and twenty-four dollars and six cents ($324.06); and George Bailey for twenty-five dollars and sixty-seven cents ($25.67); provided that before issuing said warrants to said parties, the auditor of state shall require from said parties a bond of indemnity in double the amount of said claims, conditioned that the state of Ohio shall be held harmless from the payment of the said original warrants.

Bond.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 1976

[House Bill No. 605.]

AN ACT

To authorize the surrender of leases for ministerial lands in section 29, township 7, range 13, Ohio Company's purchase, and the purchase of the same in fee simple

Be it enacted by the General Assembly of the State of Ohio:

Surrender of leases for parts of section 29; Morgan county.

SECTION 1. That any lessee, sub-lessee or owner in any way, of a leasehold interest in section 29 of township 7, range 13, Ohio company's purchase — being in Morgan county, Ohio — granted by the special trustees of said original township 7, may surrender any such lease to the auditor of said Morgan county and pay to said auditor the appraised value of said leasehold; and upon such sur-

Purchase of such parts and deeds for same.

render and payment being made said auditor shall certify those facts to the auditor of the state of Ohio; whereupon the governor of said state shall by deed duly executed convey, in fee simple, to such person the lands so conveyed by said lease.

Disposition of proceeds of sale.

SECTION 2. The proceeds of such sale shall be turned over to the treasurer of said state and shall become a part of, and belong to, the permanent ministerial fund for the use and benefit of said township number 7.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 198G

[House Bill No. 74.]

AN ACT

To amend section 5177 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Summoning jury, etc.:

SECTION 1. That section 5177 of the Revised Statutes of Ohio be amended so as to read as follows:

Challenges to the favor and peremptory.

Sec. 5177. Any petit juror may be challenged also on suspicion of prejudice against or partiality for either party, or for want of a competent knowledge of the English language, or for any other cause that may render him at the time an unsuitable juror. The validity of such challenge shall be determined by the court, and shall be sustained if the court has any doubt as to the juror being entirely unbiased. And each party may peremptorily challenge four jurors.

Repeals.

SECTION 2. That said original section 5177 be and is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 199G

[House Bill No. 210.]

AN ACT

To amend section 308 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Commissioner of statistics of labor:

SECTION 1. That section 308 of the Revised Statutes be amended so as to read as follows:

Sec. 308. The commissioner shall have an office in the state house which shall be a bureau of labor statistics, and he shall collect, arrange and systematize all statistics relating to the industrial, social, educational and sanitary conditions of the laboring classes, and to the productive industries of the state, including the names of firms, companies, or corporations, where located, capital invested in grounds, buildings and machinery; class and value of goods produced or manufactured; number of days in operation; amount paid yearly for rent, taxes and insurance; amount paid in wages; number of employes, male and female; number engaged in clerical work and manual labor, with detailed classification of the number and sex engaged in each class or occupation, and the average daily wages paid to each. Said commissioner is authorized to appoint special agents to represent the bureau with authority to visit the delinquent firms and collect such statistics, and perform such other duties as may be required, with like power as is conferred by law upon said commissioner; provided, that the compensation of such agents is paid from the contingent fund of the bureau. Said commissioner is hereby authorized and directed, immediately after the passage of this act, to organize and establish in all cities of the first class, and cities of the first and second grade of the second class in the state of Ohio, a free public employment office, and shall appoint one superintendent for each of said offices to discharge the duties hereinafter set forth. Said superintendents shall cause to be posted in front of their said offices on a sign board, or in a suitable place on the building where such offices are located, the words, "Free public employment office." It shall be the duty of such superintendents to receive all applications for labor of those desiring employment and those desiring to employ labor, and record their names in a book kept for that purpose, designating opposite the name of each applicant the character of employment of labor desired, and the address of such applicant. Each of said superintendents shall be provided with such clerical assistance as in the judgment of the commissioner may appear necessary for properly conducting the duties of their several offices.

His duties.

Appointment of special agents.

Establishment of free public employment offices; superintendents.

Duties of superintendents.

Clerk.

No compensation or fee shall, directly or indirectly, be charged to or received from any person or persons seeking employment, or any person or persons desiring to employ labor through any of said offices. Said superintendent shall make a weekly report on Thursday of each week to said commissioner of all persons desiring to employ labor, and the class thereof, and all persons applying for employment through their respective offices, and the character of employment desired by each applicant; also, of all persons securing employment through their respective offices, and the character thereof, and a semi-annual report of the expense of maintaining such offices. Said commissioner shall cause to be printed weekly a list of all applicants

and the character of employment desired by them, and of those desiring to employ labor, and the class thereof, received by him from the respective offices aforesaid, and cause a true copy of such list on Monday of each week to be mailed to the superintendent of each of said offices in the state, which said list by the superintendent shall be posted immediately, on receipt thereof, in a conspicuous place in his office, subject to the inspection of all persons desiring employment. Said superintendents shall perform such other duties in the collection of labor statistics as said commissioner shall determine. Any superintendent or clerk, as herein provided, who directly or indirectly charges or receives any compensation from any person whomsoever in securing employment or labor for any other person, or persons, as provided in this act, shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding fifty dollars and imprisoned in the county jail or workhouse not exceeding thirty days. Said superintendent of each of such offices shall receive a salary of twelve hundred dollars per annum, and said clerk shall receive a salary of six hundred dollars per annum, payable monthly. Said salaries shall be paid upon warrant of the auditor of state on the treasurer of state from the state funds through the bureau of labor statistics.

Salary of superintendents and clerks.

Repeals.

SECTION 2. That said section 308 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON.
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 2006

[House Bill No. 591.]

AN ACT

To amend section 995 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Hamilton county board of control:

SECTION 1. That Sec. 995 of the Revised Statutes of Ohio be amended so as to read as follows:

Meetings, organization, compensation, etc.

Sec. 995. The members of such board of control shall meet at the court house on Tuesday of each week. The members appointed, as provided in the preceding section, shall convene on the first Tuesday after their appointment and qualification, and the members thereafter elected, as provided, shall, annually, assemble together on the second Tuesday of December and organize the board; a majority of the members shall be necessary to constitute a quorum for the transaction of business. All their proceedings shall be

public; they shall determine the rules of their proceedings, and these shall, as far as possible, be in accordance with parliamentary law; they shall keep a journal of their proceedings, which shall be open at all proper times to the inspection of the public, and may compel the attendance of absent members in such manner as they may prescribe. They shall elect from their own body a president, who shall preside at their meetings, and they may elect a president pro tempore. The members of the board of control shall each receive as compensation for their services five dollars for every regular meeting they attend. They shall elect a clerk, who shall keep a correct journal of all the proceedings of said board of control, and perform such other duties as are required by the rules and regulations of the board; said clerk shall hold his office until his successor is elected and qualified, and shall receive as compensation for his services a salary not to exceed fifteen hundred dollars per annum. The compensation of the members of the board of control and the salary of the clerk shall be paid monthly by warrants drawn by the county auditor upon the county treasury, on bills certified by the president and clerk of the board with seal attached.

Clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 201G

[House Bill No. 309.]

AN ACT

To amend sections 4364-89*h*, 4364-89*i*, 4364-89*j* and 4364-89*k* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4364-89*h*, 4364-89*i*, 4364-89*j* and 4364-89*k* of the Revised Statutes of Ohio be amended so as to read as follows:

Low water alarms to be placed on steam boilers.

Sec. 4364-89*h*. That all stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation, within the state of Ohio, shall have upon them a low-pressure safety alarm column, which shall sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of such boiler to the depth of water in the boiler before the same reaches the danger point. That the said low water safety alarm column shall be a type capable of being tested easily by the chief examiner of steam engineers, or any of his district examiners, and shall be so connected with the boiler that the low water alarm will be sounded when there is not less than two

Authority of chief examiner of steam engineers or deputies as to inspection.

inches of water over the highest point of the tubes or crown sheets. That the chief examiner of steam engineers, or any of his district examiners, shall be authorized to enter upon the premises of any person, firm or corporation within this state for the purpose of inspecting any stationary steam boiler to ascertain as to whether it is equipped as herein provided.

Unlawful to operate boiler without alarm.

Sec. 4364-89*i*. It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler unless it is equipped with a low water alarm column after the date herein specified.

Penalty.

Sec. 4364-89*j*. Any person, the member of any firm, or the member of any board of directors of any corporation who shall violate any of the provisions of this act, or shall refuse or neglect to comply with any of its provisions, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars and costs, or by imprisonment in the county jail of the county where conviction was had for a period of not less than thirty (30) days nor more than ninety (90) days, or both, such fine and imprisonment at the discretion of the court, for each and every offense.

Repeals.

SECTION 2. That sections 4364-89*h*, 4364-89*i*, 4364-89*j* and 4364-89*k* of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 202G

[Senate Bill No. 166.]

AN ACT

To amend and supplement section thirty-two hundred and fifty-eight (3258) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations, etc.:

SECTION 1. That section 3258 of the Revised Statutes of Ohio, be, and the same is hereby amended so as to read as follows:

Stockholders liable in an amount equal to their stock.

Sec. 3258. The stockholders of a corporation who are the holders of its shares at a time when its debts and liabilities are enforcible against them, shall be deemed and held liable, equally and ratably, and not one for another, in addition to their stock, in an amount equal to the stock by them so held, to the creditors of the corporation, to secure the payment of such debts and liabilities; and no stockholder

who shall transfer his stock in good faith, and such transfer is made on the books of the company, or on the back of the certificate of stock properly witnessed or tendered for transfer on the books of the company prior to the time when such debts and liabilities are so enforcible, shall be held to pay any portion thereof.

Within what time action may be brought to enforce such liability.

Sec. 3258*a*. An action upon the liability of stockholders can only be brought within eighteen months after the debt or obligation shall become enforcible against stockholders.

Repeals, etc.

SECTION 2. Said section 3258 is hereby repealed; and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 203G

[House Bill No. 151.]

AN ACT

To amend sections 4404 and 6991 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Dentistry:

SECTION 1. That sections 4404 and 6991 of the Revised Statutes of Ohio be so amended as to read as follows:

Requirements for practicing dentistry.

Sec. 4404. From and after June 1, 1902, it shall be unlawful for any person to practice dentistry in this state, unless such person shall have first obtained a certificate of qualification issued by the state board of dental examiners of this state, as hereinafter provided.

Board of dental examiners.

1. A board of dental examiners, to consist of five practicing dentists, not members of dental college faculties, resident in this state, is hereby created, whose duty it shall be to carry out the purposes and to enforce the provisions of this act. The members of the first board of dental examiners under the provisions of this act shall be appointed by the governor of the state on or before the first day of June, 1902. The term for which members of said board shall be appointed shall be three years, and until their successors shall be duly appointed and qualified, and no person shall be appointed for or serve to exceed two terms in succession. All vacancies in said board caused by expiration of term, or otherwise, shall be filled by appointment by the governor of the state.

Appointment of members.

Term of office.

Vacancies.

Rules.

Organization.

Meetings.

2. Said board shall have power to make reasonable rules and regulations for the purpose of carrying out and enforcing the provisions of this act. It shall choose one of its members president, one secretary and one treasurer; and shall hold two regular meetings in the city of Columbus, on

the last Tuesday in June and November, in each year, and at such other times as may be deemed necessary by said board. A majority of said board shall at all times constitute a quorum thereof for the transaction of business, but a less number may adjourn from time to time. The board shall keep full minutes of all of its proceedings, and a full register of all persons licensed and certified as dentists by said board, which shall be public records, and at all reasonable times open to inspection as such. The board shall render an annual itemized report of all moneys received and disbursed, also a summary of all official acts to the governor of the state, upon the first day of January each and every year. A transcript of any of the entries in such minutes and register, certified by the secretary, under the seal of said board, shall at all times and places be competent evidence of the facts therein stated. The members of the board shall have power to administer oaths, and the board shall have power to hear testimony in all matters relating to the duties imposed upon it by law.

Quorum.

Minutes.

Report.

Application for license.

3. Any and all persons who shall desire to practice dentistry in this state after June 1, 1902, except such persons as are legally practicing dentistry, as defined in this act in this state at the time of the passage of this act, shall file application in writing with the secretary of said board of dental examiners for examination or license or both, and at the time of making such application shall pay to the secretary of said board a fee of twenty dollars; except such person or persons who are not required to take the state board examination, shall pay a license fee of ten dollars; and each applicant shall present himself before said board at its first meeting after filing his application for examination or license by said board. The applicant for examination shall present a diploma from some legally chartered dental college and pass a satisfactory examination as hereinafter described. Upon a unanimous vote of the board, said board may excuse from examination an applicant holding a license to practice in some state requiring a diploma and examination, upon the payment of the examination fee. The board shall excuse from examination all graduates of dental colleges of this state up to and including the June, 1905, session of the board. Also any person or all persons who has or have been the proprietor or proprietors of a dental office or a place of performing dental work in this state, continuously since January 1, 1903. Such person or persons shall be licensed and registered upon application and paying such license fee as is herein provided. The board shall admit to examination, during the years 1902 and 1903, any person who is a legal resident of this state, and has been a student of dentistry, under a preceptor, for twelve months prior to the passage of this act. The examination shall consist of practical demonstrations and written or oral tests, or both, at the option of the board, and shall include the following subjects, to-wit: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bac-

Fee.

Examination.

Who excused from examination.

Examination.

teriology, prosthetic, operative and surgical dentistry. All persons successfully passing such examinations, or as above provided, and of good moral character, shall be registered and licensed by the said board of dental examiners, and shall receive a certificate of such registration and license duly authenticated by the seal and signature of the president and secretary of said board. In no case shall the examination fee be refunded. But said applicant may be reëxamined within twelve months without any additional fee.

Who shall be registered and licensed.

4. Every person receiving such a certificate of registration and license as dentist shall, before engaging in the practice of dentistry in this state, place and retain in place while engaged in the practice of dentistry in this state, such certificate of registration and license in a conspicuous position at his place of business, in such manner as to be easily seen and read. The certificate of the secretary of said board of dental examiners, under the seal of said board, stating that any person is a registered and licensed dentist, shall be prima facie evidence that such person is entitled to practice dentistry in this state.

Certificate to be conspicuously displayed.

Sec. 6991. All persons shall be said to be practicing dentistry within the meaning of this act who shall be known as a manager, proprietor, operator or conductor of a dental office or a place of performing dental work, or who shall for a fee, salary or other reward paid, or to be paid, either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of human teeth or jaws, or attempt to correct mal-positions thereof. But nothing contained in this act shall be taken to apply to acts of bona fide students of dentistry, done in the pursuit of clinical knowledge in the clinic rooms of a regularly organized dental college which is approved by the board of dental examiners of this state, or under the direct supervision of a preceptor who is a licensed dentist in this state, during the regular vacation intervals of a college course, said student being matriculated in, and pursuing consecutive courses of study in a dental college recognized by the board of dental examiners of the state; or the acts of legally qualified physicians and surgeons, unless practicing dentistry as a specialty.

Practice of dentistry defined.

1. Out of the funds coming into the possession of the board as above specified, the members of said board may each receive a compensation in the sum of ten dollars for each day actually engaged in the duties of their office as such examiners, and a mileage of three cents per mile for all distance necessarily traveled in going to and coming from the meetings of the board. Said board may, with the consent of the prosecuting attorney of any county, employ and compensate out of said fund special counsel to assist in the prosecution in the courts of said county and the supreme court any offense alleged to have been committed under the provisions of this act in such county. Said expenses shall be paid from the fees and assessments received by the board

Compensation and mileage of members of board of examiners.

Payment of expenses.

under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury. All moneys received in excess of the said per diem allowance and mileage, as above provided for, shall be held by the treasurer of said board as a special fund for other expenses of said board and carrying out provisions of this act, and said treasurer shall give such bond as the board shall from time to time direct.

Special fund for other expenses.

Penalty for violation.

2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof may be fined not less than fifty dollars nor more than one hundred dollars, or be confined not less than ten days nor more than one month in the county jail, or both. A second conviction shall be punished by the maximum penalties presented in this act. All fines thus received shall be paid into the common school fund of the county in which such conviction takes place. It is hereby made the duty of the prosecuting attorney of each county in the state to prosecute every case to final judgment whenever his attention shall be called to a violation of the provisions of this act.

Disposition of fines.

Duty of prosecuting attorney.

Penalty for deceiving public.

3. Any person who shall knowingly or falsely claim or pretend to have or hold a certificate of registration, or who shall falsely and with intent to deceive the public, claim or pretend to be a registered or licensed dentist, not being such a registered or licensed dentist, shall be guilty of a misdemeanor, and shall be fined the maximum penalties provided in this act.

Suit by or against board.

4. The board of examiners created by this amended act may sue or be sued, and in all actions brought by or against it, it shall be made a party under the name of the board of dental examiners of the state of Ohio, and no suit shall abate by reason of any change in the membership of said board.

Repeals.

SECTION 2. Said original sections 4404, 4404*a* and 6991 of the Revised Statutes of Ohio are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 204G

[House Bill No. 735.]

AN ACT

To amend sections 1778 and 1779 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Officers; powers and duties.

SECTION 1. That sections 1778 and 1779 of the Revised Statutes of Ohio be amended so as to read as follows:

When taxpayer may institute suit.

Sec. 1778. In case he fail upon the request of any taxpayer of the corporation to make the application provided for in the preceding section, it shall be lawful for such taxpayer to institute suit for such purposes in his own name, on behalf of the corporation; provided, that no such suit or proceeding shall be entertained by any court until such request shall have been first made in writing; and further, provided that no such suit or proceeding shall be entertained by any court until such taxpayer upon motion of the solicitor or corporation counsel shall have given security for the costs of the proceeding.

Duty of court.

Sec. 1779. If the court hearing such case is satisfied that such taxpayer had good cause to believe that his allegations were well founded, or if the same is sufficient in law, it shall make such order as the equity and justice of the case demand; and in such case the taxpayer shall be allowed his costs; provided that if judgment is finally ordered in favor of such taxpayer he may be allowed as part of the costs a reasonable compensation for his attorney.

Costs.

Repeals, etc.

SECTION 2. Said original sections 1778 and 1779 of the Revised Statutes of Ohio are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 205G

[House Bill No. 834.]

AN ACT

To provide for the merging, maintenance and government of public libraries in cities of the second class, fourth grade.

Be it enacted by the General Assembly of the State of Ohio:

Merger of public libraries in cities of second class, fourth grade.

SECTION 1. That in all cities of the second class, fourth grade, it shall be lawful to merge any public library heretofore established therein under the authority of sections 4002-46 and 4002-47, of the Revised Statutes of Ohio, with any other city public library established in conformity with sections 4002-39, 4002-40, 4002-41, 4002-42, 4002-43, and 4002-44, of the Revised Statutes of Ohio; and the library so established by such consolidation shall be kept open for the use of the public at all reasonable hours.

Board of directors.

SECTION 2. For the government of such library and reading room there shall be a board of nine (9) directors, appointed by the council of such city from among the citizens thereof at large, and not more than one member of the council of such city shall at any one time be a member of said board. Such directors shall hold their office for three years from the date of appointment, and until their suc-

Term of office.

Vacancies.

cessors are appointed. All vacancies shall be immediately reported by the directors to the council of such city, and be filled by appointment in like manner; and, if an unexpired term, for the residue of the term only. Provided, however, that where a board of six (6) directors has heretofore been appointed in pursuance of section 4002-40, of the Revised Statutes, such directors shall continue to serve as such until the expiration of the several terms for which they were appointed, and in such case the city council shall name the three additional directors therein provided for, one to serve one year, one for two years, and one for three years from and after their appointment.

Government of such libraries.

SECTION 3. In all other respects such city public libraries shall be governed, supported and maintained as provided by sections 4002-39, 4002-41, 4002-42, 4002-43 and 4002-44, of the Revised Statutes of Ohio.

Property of merging library association to be transferred to city library.

SECTION 4. All of the property and effects of such merging library association shall be turned over to and become a part of said city public library immediately upon such merger, and all moneys remaining unexpended of such library association shall be deposited in the treasury of such city to the credit of the city public library fund, and all taxes levied by the board of education, but not yet collected, for such library association, shall, upon collection, by the board of education be deposited in the city treasury of said city to the credit of the city public library fund.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 206G

[Senate Bill No. 258.]

AN ACT

To amend sections 2835, 2836 and 2837 and to repeal section 2837a of the Revised Statutes authorizing the issue of bonds by cities, villages, hamlets and townships.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That sections 2835, 2836 and 2837 of the Revised Statutes be amended so as to read as follows:

Townships and municipalities may issue and sell bonds for purposes specified in this act.

Sec. 2835. That the trustees of any township or hamlet, or the council, board of legislation or other legislative body or bodies of any city, village, or other municipal corporation of the state of Ohio, shall have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by law for the sale

of bonds by such township, hamlet, city, village or other municipal corporation, for any of the purposes provided for in this act, whenever such trustees, council, board of legislation or other legislative body or bodies by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

1. For procuring the real estate and right of way for any improvement authorized by this section.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matter.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.

8. For erecting houses of refuge and corrections.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks and supplying water to the township, hamlet or corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the township, hamlet or corporation and the inhabitants thereof.

13. For providing grounds for cemeteries for enclosing and embellishing the same, and for erecting vaults.

14. For constructing sewers, sewage disposal works flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading-rooms.

16. For the establishment of free public baths.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state or nation.

18. For improving any watercourse or water front

19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park or parks.

21. For erecting hospitals and pest houses and for rebuilding, repairing, or improving existing hospitals and pest houses.

22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.

23. For opening, widening and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.

25. For constructing levees and embankments or paving or improving the same, and for improving any watercourse passing through said township, hamlet or municipal corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.

27. For erecting any buildings necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and paying the cost of placing under ground the wires or other signal apparatus of any fire department.

Total bonded indebtedness permitted to be created by township or municipality in any one year.

The bonds herein authorized may be issued for any or all purposes enumerated herein, but the total bonded indebtedness hereafter created in any one fiscal year under the authority of this act by any township, hamlet, or municipal corporation, shall not exceed one (1) per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act.

Exception — may exceed said amount after submission of question to vote.

Whenever the trustees of any township, or hamlet, or the council, board of legislation or other legislative body or bodies of any municipal corporation, shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township, hamlet, or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township, hamlet or municipal corporation at a general or special election in the manner provided in section 2837, Revised Statutes.

Aggregate amount of bonded indebtedness permitted to township or municipality at any time; exception.

Provided, however, that the aggregate amount of all outstanding and unpaid bonds hereafter issued under the authority of this act shall never exceed four per cent. of the total value of all property in such township, hamlet or municipal corporation as listed and assessed for taxation, unless an excess of such amount is authorized by a vote of the qualified electors in such township, hamlet, or other municipal corporation in the manner provided in section 2837, Revised Statutes.

Tax shall be levied to pay bonds and interest.

Sec. 2836. For the payment of bonds issued under the authority of section 2835 of the Revised Statutes or issued after a submission of the question to the people under the provisions of section 2837 of the Revised Statutes, the trustees of any township, or hamlet, or the council, board of legislation or other legislative body or bodies of any municipal corporation, shall levy a tax in addition to all levies now authorized by law, every year during the period said bonds have to run sufficient to pay the interest on said bonds and to provide a sinking fund for their final redemption at maturity.

Procedure when question of bond issue must be submitted to vote.

Sec. 2837. Before any bonds in excess of the said one per cent. in any one year or in excess of the said four per cent. in the aggregate are issued or tax levied, as provided in sections 2835 and 2836, Revised Statutes, the question of issuing the same shall be submitted to the voters of the township, hamlet, or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council, board of legislation or other legislative body or bodies of any municipal corporation shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such township, hamlet, or municipal corporation, as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in excess of the amounts therein authorized, and shall by such resolution or ordinance fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, hamlet or municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such township, hamlet or municipal corporation is situated, or board of elections in such cities as have such boards, and such deputy state supervisors, or such boards of election shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as April elections in such township, hamlet, or municipal corporation for the election of officers thereof; provided, however, that when a special election for such purposes is held in a municipal corporation divided into wards there shall be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required certificates of removal shall not be necessary except when transfers are re-

quired from one ward to another, and the board of elections of all such cities shall issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more papers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the township, hamlet or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds for such excess shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots in quotation, "For the issue of bonds"; and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." Provided, however, that no township, hamlet, or municipal corporation shall hereafter create or assume an aggregate indebtedness of outstanding and unpaid bonds under the authority of this act in excess of eight per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation. Provided, further, that in cases where the trustees of any township or hamlet have, or the council, board of legislation, or any other legislative body or bodies of any city, village, or other municipal corporation, has heretofore passed a resolution or ordinance declaring it necessary to issue and sell bonds of such township, hamlet or municipal corporation, for any of the purposes authorized by law, the provisions of this act limiting the aggregate amount of bonds to be issued shall not be construed to apply to the bonds provided for in such resolution or ordinance.

Number of votes necessary to authorize issue.

Total aggregate bonded indebtedness permitted.

Limitation in amount as fixed by this act, shall not apply to bond issues already authorized.

Repeals.

SECTION 2. That sections 2835, 2836, 2837 and 2837*a* be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 207G

[Senate Bill No. 206.]

AN ACT

To provide for printing for the Ohio state board of agriculture, and to rescind house joint resolution No. 41 (Vol. 87, O. L., page 648), relative to printing for the Ohio state board of agriculture, adopted April 28, 1890.

Be it enacted by the General Assembly of the State of Ohio:

Printing for the Ohio state board of agriculture; where and how to be done; payment therefor.

SECTION 1. That the necessary printing for the Ohio state board of agriculture be provided for in the following manner, on and after the completion of work now in printers' hands for said board: The monthly or quarterly crop reports, bulletins, premium lists, tabular work and other pamphlets, shall be executed under the direction of the commissioners of public printing and paid for out of the appropriation for state printing; the crop reports and bulletins to be printed in advance of other matter. The circulars, cards, blanks, envelopes and other incidental work for said board shall be executed at the printing department of the deaf and dumb institution. The commissioners of public printing shall, on the written requisition of the superintendent of said institution, provide the necessary paper for the work, and the supervisor of public printing shall report the quantity and quality of the same in his annual report. The trustees of the deaf and dumb institution shall give a detailed exhibit of the work executed for said state board of agriculture, the amount and quality of paper used in said work, and the amount and its quality on hand, in their annual report.

Rescissions.

SECTION 2. House joint resolution No. 41 (Vol. 87, O. L., page 648) relative to printing for the Ohio state board of agriculture, adopted April 28, 1890, be and the same is hereby rescinded.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 208G

[House Bill No. 636.]

AN ACT

To provide for the organization of corporations for the purpose of discovering and preventing fires and of saving property and life from conflagration.

Be it enacted by the General Assembly of the State of Ohio:

Corporations may be created for the purpose of discovering and preventing fires and of saving property and life from conflagration; powers of.

SECTION 1. That corporations, not for profit, may be organized under the general corporation laws of this state, and in accordance with the provisions of this act, for the purpose of discovering and preventing fires and of saving property and life from conflagration, with power to provide a patrol of men and a competent person to act as superintendent to discover and prevent fires, with suitable apparatus and equipment to save and preserve property and life at and after fires; and to enable them so to act with promptness and efficiency, full power is hereby given to such superintendent and patrol to enter any building at any time for the purpose of inspection and any building on fire or which may be exposed to or in danger of taking fire from other burning buildings, for the purpose of protecting and saving said building and the property therein, or of removing such property or any part thereof during the fire or from the ruins after the fire; provided, however, that nothing in this act shall be so construed as will in any degree lessen, impair or interfere with the powers, privileges, duties or authority of any regular or volunteer fire department organized and maintained by any public authority within the state, but the said superintendent and the members of said patrol, while on duty at a fire, shall in all respects be subordinate to and under the control of the public authority having charge of the extinguishment and prevention of fires; and provided further that no act of the superintendent or the patrol of men shall justify any owner of any building or property in abandoning such building or property.

Superintendent and patrol shall be subordinate and under control of fire department.

Powers of such corporations.

SECTION 2. In the articles of incorporation of any such corporation shall be set forth the municipality or other subdivision of the state within which such corporation shall prosecute its business, as provided herein, and thereafter such corporation shall be confined to the municipality or other subdivision, as set forth in said articles; and for the purpose of carrying into effect the powers herein granted, any such corporation shall have authority to provide suitable rooms for the transaction of its business and to that end is hereby authorized to purchase, lease or otherwise acquire and hold such real estate and personal property as may be necessary to fulfill the purposes of its organization. All such corporations shall have power to elect such officers and make such needful by-laws as may not be contrary to the provisions of this act or the constitution or laws of this state or of the United States; and except as herein provided, shall be subject to the general corporation laws of this state.

Biennial meeting of corporation and representatives of fire insurance companies.

SECTION 3. Before any corporation organized under the terms of this act shall commence business, and in the month of March of every second year thereafter, there shall be held a meeting of such corporation, of which ten (10) days' previous notice shall be given by inserting the same in at least two newspapers published or of general circulation in the municipality or other subdivision of the state in which the said corporation is organized and established, if there be such newspapers, and if not, by posting notices thereof, at which meeting each insurance company, corporation, association, underwriter, person or persons doing a fire insurance business in said municipality or other subdivision of the state in which the corporation is organized and established, whether members of said corporation or not, shall have the right to be represented and shall be entitled to one vote. A majority of the whole number so represented shall have power to decide upon the question of sustaining the fire patrol organized by the corporation under the terms of this act and shall fix the maximum amount of expenses which shall be incurred therefor during the fiscal years next to ensue and until the next meeting, as herein provided, which amount shall in no case exceed two (2%) per centum of the aggregate premiums returned as received, as hereinafter provided in this act, and the whole of such amount, or so much thereof as may be necessary, may be assessed upon all insurance companies, corporations, underwriters, agents, person or persons who assume risks and accept premiums for fire insurance in said municipality or other subdivision, as hereinbefore mentioned, whether members of said corporation or not, in proportion to the several amounts of premiums returned as received by each, as hereinbefore provided, and such assessments shall be collectible by and in the name of the said corporation in any court of law in this state having jurisdiction thereof in such manner and at such time or times as the said corporation may determine.

Object of such meeting.

Assessments upon fire insurance companies for maintenance of corporation.

Quarterly statement showing aggregate amount of premiums received to be filed by insurance companies with corporation.

SECTION 4. To insure the collection of the assessments hereinbefore provided and in order to provide for the payment of the persons employed by said corporation and to maintain suitable rooms therefor and for the purchase, lease or acquisition of such real and personal property as may be necessary, the same to be determined at the meetings hereinbefore provided, the said corporation is empowered to require a statement to be furnished quarterly by all insurance companies, corporations, associations, underwriters, agents, person or persons of the aggregate amount of premiums received by each for insuring property in the municipality or other subdivision of the state where the said corporation is organized and established for and during the three (3) months next preceding the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December of each year, which statement shall be sworn to by the president and secretary of the corporation or association, or by the agent or person so acting or effecting such insurance in said municipality or other subdivision, and shall

be given to the secretary of the corporation created under the provisions of this act, within ten (10) days after the first days of April, July, October and January of each year.

Written demand to be made upon fire insurance companies for the statement above provided for.

SECTION 5. The treasurer or other appointed officer of any corporation organized under this act shall within the ten (10) days aforesaid, by written or printed demand, signed by him, require from every such insurance company, corporation, organization, underwriter, agent or person engaged in the business of fire insurance in the municipality or other subdivision of the state where said corporation is organized and established, the statement hereinbefore provided for. Such demand may be delivered personally at the office of such insurance company, corporation, association, underwriter, agent or person within such municipality or other subdivision, as hereinbefore provided, or at the residence of any officer of such corporation or association, underwriter, agent or person.

Penalty for failing to file such statement.

Any insurance company, corporation or association, or any officer thereof, and any underwriter, agent or person within the municipality or other subdivision in which the said corporation is organized and established, engaged in the business of fire insurance, or of assuming risks and accepting premiums for fire insurance, who fails to comply with the provisions of this act by furnishing the statement herein provided for, shall forfeit for the use of the corporation herein provided the sum of twenty-five ($25.00) dollars for every day he shall so neglect to furnish the same, which amount shall be recovered by the corporation in any court in the state having jurisdiction thereof.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 209G

[House Bill No. 485.]

AN ACT

To amend section 7195 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Grand jury and its proceedings.

SECTION 1. That section 7195 of the Revised Statutes of Ohio, be amended so as to read as follows:

Prosecuting attorney may have access to grand jury.

Sec. 7195. The prosecuting attorney, or the assistant prosecuting attorney, shall be allowed at all times to appear before the grand jury, for the purpose of giving information relative to any matter cognizable by it, or advice upon any legal matter when required; and he may interrogate witnesses before the jury when it or he deems it necessary;

but no other person shall be permitted to remain in the room with the jury while the jurors are expressing their views, or giving their votes, on any matter before them; but the official court stenographer of the county shall, at the request of the prosecuting attorney, take shorthand notes of the testimony and furnish a transcript of the same to the prosecuting attorney, and to no other person, but said stenographer shall withdraw from the jury room before the jurors begin to express their views, or give their votes on any matter before them.

Official stenographer shall take shorthand notes of testimony and furnish transcript of same.

Said stenographer shall take an oath, to be administered by the court after the grand jurors are sworn, imposing an obligation of secrecy upon such stenographer to not disclose any testimony taken down or heard except to the jury, the prosecutor, or unless called on in a court of justice to make disclosures.

Stenographer shall take oath imposing obligation of serecy.

SECTION 2. Said original section 7195 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Repeals.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 210G

[House Bill No. 575.]

AN ACT

Prescribing the rate of state taxes, and to repeal an act therein named (O. L. vol. 89, p. 421.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be levied annually, taxes for state purposes, on each dollar of valuation of taxable property for the payment of interest and constitutional reduction of the principal of the public funded debt of the state, eighteen hundredths of one mill, said fund to be styled the "sinking fund." For the support of common schools, ninety-five hundredths of one mill, said fund to be styled the "state common school fund."

Prescribing the rate of state taxes.

SECTION 2. That the act "prescribing the rate of state taxes, and to repeal the act therein named," passed April 18, 1892 (O. L., vol. 89, p. 421), be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 211G

[House Bill No. 1044.]

AN ACT

To amend section 4*a* supplementary of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., p. 455), as reënacted and amended April 25, 1898 (93 O. L., p. 361), as amended April 16, 1900.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 4*a* supplementary of an act entitled, "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., p. 455), as reënacted and amended April 25, 1898 (93 O. L., p. 361), be and the same is hereby amended so as to read as follows:

Salaries of deputy state supervisors and clerk in Hamilton county.

Sec. 4*a*. Each member of the board of deputy state supervisors and the clerk thereof in Hamilton county shall be allowed and paid a salary in the sum of twelve hundred ($1200.00) dollars per annum, payable monthly upon vouchers approved by the board out of the county treasury as other county expenses from any unexpended funds set apart for election purposes, and the county commissioners shall make the necessary levy to meet the same. The judges and clerks of election in Hamilton county shall be allowed and paid a uniform compensation for their services in accordance with the provisions of section 2926 of the Revised Statutes without regard to the exceptions therein named.

Repeals of conflicting provisions.

SECTION 2. That section 4*a* passed April 16, 1900, and all sections and parts of sections of the Revised Statutes in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 212G

[House Bill No. 691.]

AN ACT

To amend section 4940 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Bridges:

SECTION 1. That section 4940 of the Revised Statutes of Ohio be amended so as to read as follows:

Construction of approaches to county bridges.

Sec. 4940. The commissioners of any county shall cause to be constructed without unnecessary delay, good and sufficient approaches or ways to bridges which have been or may hereafter be erected by them; and they shall con-

tract for the construction thereof in the same manner as is provided by law for contracting for the construction of bridges by county commissioners; and the county commissioners of any county may contract for, and purchase such stone, gravel, earth, dirt or other material as may be necessary for the construction of such approaches or ways to such bridges or for keeping the same in repair, provided that if the commissioners and the owner or owners of such stone, gravel, earth, dirt or other material cannot agree on a price deemed fair and reasonable, like proceedings shall be had and with like effect as are provided by law for the procurement of material by the commissioners in like cases under the two-mile assessment pike law; and the cost of constructing such approaches and procuring such material shall be paid from the bridge fund of the county on the order of the county commissioners, and said county commissioners may, when in their opinion the safety of the public travel requires it, contract for the proper lighting of any said bridges when the span or two or more spans of which cross the same stream or streams and which spans are connected by levees, and when such span or spans and levees taken together have a combined length of not less than five hundred (500) feet and the cost of such lighting shall be paid from the bridge fund of the county on the order of the commissioners except that the foregoing provision as to lighting bridges shall not apply where the county commissioners have constructed three or more such bridges within the limits of any municipal corporation, in which case the municipal corporation shall light the bridges within its limits and at its own expense; but the trustees of the several townships shall cause to be built and kept in repair all bridges and culverts, except upon improved and free turnpike roads, when the cost of construction does not exceed fifty ($50.00) dollars, and shall keep in repair all bridges constructed by the commissioners; provided, however, such repair by said trustees of any such bridge in any year shall not exceed ten ($10.00) dollars and they are authorized to levy a tax for the payment of the same.

Purchase of materials.

Appropriation of materials.

Lighting of bridges.

When municipality shall pay for such lighting.

Duty of township trustees as to building and repairing bridges.

SECTION 2. That section 4940 of the Revised Statutes be and the same is hereby repealed.

Repeals, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902.

213G

[House Bill No. 1044.]

AN ACT

To amend section 4*a* supplementary of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., p. 455), as reënacted and amended April 25, 1898 (93 O. L., p. 361), as amended April 16, 1900.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 4*a* supplementary of an act entitled, "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., p. 455), as reënacted and amended April 25, 1898 (93 O. L., p. 361), be and the same is hereby amended so as to read as follows:

Salaries of deputy state supervisors and clerk in Hamilton county.

Sec. 4*a*. Each member of the board of deputy state supervisors and the clerk thereof in Hamilton county shall be allowed and paid a salary in the sum of twelve hundred ($1200.00) dollars per annum, payable monthly upon vouchers approved by the board out of the county treasury as other county expenses from any unexpended funds set apart for election purposes, and the county commissioners shall make the necessary levy to meet the same. The judges and clerks of election in Hamilton county shall be allowed and paid a uniform compensation for their services in accordance with the provisions of section 2926 of the Revised Statutes without regard to the exceptions therein named.

Repeals of conflicting provisions.

SECTION 2. That section 4*a* passed April 16, 1900, and all sections and parts of sections of the Revised Statutes in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 212G

[House Bill No. 691.]

AN ACT

To amend section 4940 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Bridges:

SECTION 1. That section 4940 of the Revised Statutes of Ohio be amended so as to read as follows:

Construction of approaches to county bridges.

Sec. 4940. The commissioners of any county shall cause to be constructed without unnecessary delay, good and sufficient approaches or ways to bridges which have been or may hereafter be erected by them; and they shall con-

tract for the construction thereof in the same manner as is provided by law for contracting for the construction of bridges by county commissioners: and the county commissioners of any county may contract for, and purchase such stone, gravel, earth, dirt or other material as may be necessary for the construction of such approaches or ways to such bridges or for keeping the same in repair, provided that if the commissioners and the owner or owners of such stone, gravel, earth, dirt or other material cannot agree on a price deemed fair and reasonable, like proceedings shall be had and with like effect as are provided by law for the procurement of material by the commissioners in like cases under the two-mile assessment pike law; and the cost of constructing such approaches and procuring such material shall be paid from the bridge fund of the county on the order of the county commissioners, and said county commissioners may, when in their opinion the safety of the public travel requires it, contract for the proper lighting of any said bridges when the span or two or more spans of which cross the same stream or streams and which spans are connected by levees, and when such span or spans and levees taken together have a combined length of not less than five hundred (500) feet and the cost of such lighting shall be paid from the bridge fund of the county on the order of the commissioners except that the foregoing provision as to lighting bridges shall not apply where the county commissioners have constructed three or more such bridges within the limits of any municipal corporation, in which case the municipal corporation shall light the bridges within its limits and at its own expense; but the trustees of the several townships shall cause to be built and kept in repair all bridges and culverts, except upon improved and free turnpike roads, when the cost of construction does not exceed fifty ($50.00) dollars, and shall keep in repair all bridges constructed by the commissioners; provided, however, such repair by said trustees of any such bridge in any year shall not exceed ten ($10.00) dollars and they are authorized to levy a tax for the payment of the same.

Purchase of materials.

Appropriation of materials.

Lighting of bridges.

When municipality shall pay for such lighting.

Duty of township trustees as to building and repairing bridges.

SECTION 2. That section 4940 of the Revised Statutes be and the same is hereby repealed.

Repeals, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 213G

penalty

SECTION 4. Whoever violates any provisions of this act, or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars.

Repeals.

SECTION 5. The said sections 2134-1, 2134-2 and 2134-3 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 214G

[House Bill No. 399.]

AN ACT

To amend section 4238-20 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4238-20, of the Revised Statutes of Ohio be amended as follows: Buildings:

Sec. 4238-20. That whoever being the owner, lessee, agent, factor, architect or contractor, being engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the work of construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than $25 nor more than $200, and each and every day that such person, contractor, agent, factor, or architect shall so neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense severally liable to the penalties aforesaid. Counter floors for safety of operators in constructing edifice. Penalty

SECTION 2. That said section 4238-20 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 215G

[House Bill No. 1028.]

AN ACT

To supplement section 2667 of the Revised Statutes of Ohio

Be it enacted by the General Assembly of the State of O

Wharves, locks and water-courses.

SECTION 1. That section 2667 of the Revised S
utes of Ohio be supplemented with section 2667*a*, as
lows:

Harbor master; term of

Sec. 2667*a*. In cities of the third grade of the
class the term of office of any harbor master, who shall h
after enter upon the duties of such office, under autho
of section 2667 of the Revised Statutes of Ohio, shall
two years.

SECTION 2. This act shall take effect and be in f
from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representati
CARL L. NIPPERT,
President of the Sen

Passed April 30, 1902. 216G

[House Bill No. 933.]

AN ACT

To amend section twelve hundred and forty (1240) of the Rev
Statutes of Ohio.

Be it enacted by the General Assembly of the State of O

Clerk of common pleas court; Election and term of office.

SECTION 1. That section 1240 of the Revised Stat
of Ohio be amended so as to read as follows:

Sec. 1240. There shall be elected triennially in
county, a clerk of the court of common pleas, who shall
his office three years, beginning on the first Monday of
uary next after the expiration of the term of office of
predecessor; provided, however, that successors to cl
of courts of common pleas whose present terms of office
pire in 1903, shall be elected at the next general election
lowing the enactment hereof, and thereafter clerks of
courts of common pleas shall be elected at the general
tion next preceding the beginning of their official term
fixed by this act.

SECTION 2. That said original section 1240 is he
repealed and this act shall take effect and be in force f
and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
CARL L. NIPPERT,
President of the Sen

Passed April 30, 1902. 217G

[House Bill No. 1057.]

AN ACT

To amend section 4364-89*q* (section 6) of the Revised Statutes of Ohio, as amended March 13, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Examination of stationary engineers.

SECTION 1. That section 4364-89*q* (section 6) of the Revised Statutes of Ohio, as amended March 13th, 1902, be amended so as to read as follows:

License, how obtained.

Sec. 4364-89*q*. (section 6.) Any person who desires to act as steam engineer shall make application to the district examiner of steam engineers for a license so to act upon a blank furnished by the examiner; provided, however, that said applicant shall have had not less than one year's practical experience as a fireman or oiler, and shall successfully pass an examination upon the following subjects: The construction and operation of steam boilers, steam engines and steam pumps, and also hydraulics, under such rules and regulations as may be adopted by the chief examiner. If, upon such examination, the applicant is found proficient in each of said subjects a license shall be granted to him to have charge of and operate stationary steam boilers and engines of the horse power named in this act. Such license shall continue in force for one year from the date the same is issued, unless after a proper hearing and for sufficient cause it is sooner revoked.

Repeals, etc.

SECTION 2. That section 4364-89*q* (section 6) of the Revised Statutes of Ohio, as amended March 13th, 1902, be and the same is hereby repealed, and this act shall take effect and be in force from and after May 1st, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 30, 1902. 218G

[House Bill No. 97.]

AN ACT

To establish a state board of embalming examiners, and to regulate the practice of embalming and the preparation and disposal of the dead so as to prevent the spread of contagious and infectious diseases and provide for the better protection of life and health.

Be it enacted by the General Assembly of the State of Ohio:

State board of embalming examiners.

SECTION 1. That there is hereby established and created a board to be known as the state board of embalming examiners of Ohio.

How composed.

SECTION 2. The board shall be composed of five members, consisting of the president and the secretary of the state board of health, and three others to be appointed by the

governor, and all vacancies occurring on the board shall filled by the governor.

Qualifications of appointed members.

The appointed members of said board of embalmi examiners shall be residents of the state of Ohio, and sh be practical embalmers, who shall have had at least fi years' experience in the practice of embalming, and the pre aration and disposal of the dead in this state.

Removals.

The governor shall have power to remove from off any appointed member of said board for neglect of duty, competency or improper conduct.

Term.

Each appointed member shall serve for a term of thr years from the date of his appointment going into effe except those first appointed, who shall serve as follow One for one year, one for two years, and one for three yea respectively; the governor shall designate the number years each shall serve, and any one having served as a me ber of said board shall be eligible for reappointment.

When to be appointed.

The first board shall be appointed on or before t fifteenth day of June, 1902, and one member annually the after, who shall serve for a term of three years from t first day of July next ensuing, all subsequent appointmer on the board, except to fill vacancies not caused by the ex ration of the term of a member, shall be selected from thr names sent to the governor by the funeral directors' a embalmers' association of Ohio; but if the said nomin tions are not made to the governor by June fifteenth of a year, then the governor shall appoint a suitable person to the vacancy occasioned by the expiration of the term of s member on said board.

Who to be appointed.

Duties of board.

SECTION 3. The said state board of embalming exa iners shall prepare a list of questions for the examination the subjects as hereinafter prescribed, as to the qualifi tions and fitness of those engaged, or who may hereafter e gage, in this state, in the practice of embalming and t preparation and disposal of the dead; second, to meet least once a year, and oftener if its duties require, at su time and place as the board may decide, for the examin tion of applicants for a license to practice, in this state, t science of embalming and the preparation and disposal the dead.

Officers of board.

At least fifteen days' notice of the time and place meeting of said board shall be given; third, to elect at t first meeting of said board, a president and secretar treasurer from the members of said board; the presid to serve for one year, and the secretary-treasurer during t pleasure of the board, and until their successors shall elected and qualified; fourth, to adopt a common seal; fif to adopt rules and by-laws for its government, not inconsi ent with the laws of this state or of the United States.

Time of meeting; quorum.

SECTION 4. The first meeting of the board shall held on the first Monday in July, nineteen hundred and tw three members shall constitute a quorum.

Oath of witnesses.

The president of said board (and in his absence, a president pro tempore, elected by the members present), is hereby authorized to administer lawful oaths to witnesses testifying before the board.

Compensation of members.

SECTION 5. The appointive members of said board, except the secretary-treasurer, shall receive ten dollars per diem for each day of actual service during the meetings of said board, and mileage at the rate of three cents per mile, and the salary of the secretary-treasurer shall be in such sum as shall be decided upon by said board, which, per diem, mileage and salary, together with the actual traveling and necessary expenses of the secretary-treasurer, and all other expenses of said board, shall be paid from the fees received under the provisions of this act, and shall in no manner be an expense to the state.

Secretary's bond.

The secretary-treasurer shall give bond in such sum as may be determined by the board, for the proper discharge of his duties.

Report to governor.

It shall be the duty of said board, on or before the first Monday in June of each year, to make a report to the governor, containing a detailed statement of the receipts and expenditures of said board.

Examination and license.

SECTION 6. From and after the passage of this act, every person now engaged in or desiring to engage, in this state, in the practice of embalming, or in the preparation of the dead for interment, cremation or transportation, except as hereinafter provided, shall make a written application to the secretary-treasurer of the state board of embalming examiners for a license, accompanying the same with the license fee of five dollars, whereupon the applicant, as aforesaid, shall present himself or herself before said board, and shall be examined, by said board, in the following subjects:

(*a*) Visceral anatomy and vascular system of the human body.

(*b*) The action and comparative value of germicides.

(*c*) The methods of embalming and of preparing bodies for transportation.

(*d*) The meaning of "contagion" and "infection," the dangers they beget, and the best methods of their restriction and arrest. Also bacteriology in relation to contagion and infection.

(*e*) The signs of death and the manner in which they are determined.

(*f*) Practical demonstration on the cadaver.

(A grade of seventy-five per cent. shall determine the applicant's proficiency): And if said board shall find that the applicant is of good moral character, and has passed a satisfactory examination in the above named subjects, the said board shall register the said applicant as a duly licensed embalmer. Such license shall be signed by the president and secretary of the board and attested by its seal. All persons receiving a license under the provisions of this act, shall register the same at the office of the board of health,

and where there is no board of health, with the clerk of the court of common pleas of the county, in the jurisdiction of which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office of such licentiate, and annually thereafter, on or before a date to be fixed by the said state board of embalming examiners, pay to the secretary-treasurer the sum of one dollar for the renewal of said license. Provided, that if said applicant has been actively engaged, in this state, in the practice of embalming for a period of five years, immediately preceding the passage of this act, an affidavit shall be accepted in lieu of an examination as to his or her qualifications, under the provisions of this act.

Who need not take examination.

Unlawful to practice science of embalming without license.

SECTION 7. On and after the first day of January, nineteen hundred and three, it shall be unlawful for any person to practice or pretend to practice, in this state, the science of embalming, either by arterial or cavity treatment, upon the body of any person dead of an infectious or contagious disease, or to prepare for burial, cremation, or transportation the body of any person dead from a contagious or infectious disease; except said person is a licensed embalmer within the meaning of this act.

Penalty for such unlawful practice.

SECTION 8. Any person who shall practice or hold himself or herself as practicing in this state, the science of embalming, either by arterial or cavity treatment, upon the body of any person dead of an infectious or contagious disease, or prepare for burial, cremation or transportation, the bodies of persons dead of an infectious or contagious disease, without having complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than twenty-five nor more than fifty dollars for the first offense, and for the second and each repeated offense, a fine of not less than fifty nor more than one hundred dollars; or imprisonment for six months, or both, at the discretion of the court.

License not assignable; provisions thereof.

SECTION 9. No license granted under this act shall be assignable, and every such license shall specify by name and address the individual to whom it is issued, and the number of said license.

To whom act does not apply.

SECTION 10. Nothing in this act shall apply to or in any manner interfere with the duties of any officer of a local or state institution, except in such cases as are herein provided, nor shall this act apply to any person or persons engaged only in the furnishing of burial receptacles for the dead.

Same.

SECTION 11. Nothing in this act shall prevent a funeral director, or other person, in this state, from conducting the funeral or disposing of the bodies of persons, dead of a contagious or infectious disease, after the same has been prepared by a licensed embalmer, as provided for in this act; nor from conducting the funeral or embalming, or preparing the bodies of persons dead from a disease not contagious

or infectious, except as herein provided. The state board of health shall determine what diseases are contagious or infectious within the meaning of this act.

SECTION 12. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 30, 1902. 219G

[House Bill No. 325.]

AN ACT

To better protect the lives of railway employes and the traveling public.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to run through freight train without full train crew.

SECTION 1. That it shall be unlawful for any railroad company in the state of Ohio, that runs more than four freight trains in every twenty-four hours, to run over their road, or any part thereof, outside of yard limits, any through freight train with less than a full train crew, consisting of five persons; one engineer, one fireman, one conductor, and two brakeman except, that a light engine without cars shall have the following crew, one engineer, one fireman and one conductor or flagman when running a distance of more than twenty-five miles from starting point.

Penalty.

SECTION 2. That any superintendent, or his assistants or other officer, or employe of any railroad company doing business in the state of Ohio, who shall send out on the road, or cause to be sent out on any road, that runs more than four freight trains in twenty-four hours, whose crew consists of less than those named in section one of this act, shall be guilty of a misdemeanor, the probate courts of the several counties of this state shall have final jurisdiction of offenses under this act.

Duty of commissioner of railroads and telegraphs to enforce this act.

SECTION 3. It shall be the duty of the commissioner of railroads and telegraphs to enforce this act.

SECTION 4. This act shall be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 220G

[House Bill No. 409.]

AN ACT

To amend section 3 of section 2573*a*, of the Revised Statutes Ohio.

Be it enacted by the General Assembly of the State of Ohi

Inspector of workshops and factories:

SECTION 1. That section 3 of section 2573*a* of the R vised Statutes of Ohio be amended so as to read as follow

Powers and duties of inspectors:

Sec. 2573*a*. Section 3. The chief inspector and di trict inspectors shall give their whole time and attention the duties of their offices respectively; they shall have t power of notary, to administer oaths and to take affidavits matters connected with the enforcement of the provisions all laws coming under the jurisdiction of the department the inspection of workshops, factories and public building It shall be their duty to visit all shops and factories in the respective districts as often as possible, to see that all t provisions and requirements of this act are strictly observ and carried out; they shall carefully inspect the sanita condition of the same, and it shall be their duty to exami the system of sewerage in connection with said shops a factories, the situations and conditions of water-closets urinals in and about such shops and factories and also t system of heating, lighting and ventilating all rooms in su shops and factories where persons are employed at da labor; also as to the means of exit from all such places case of fire or other disaster; and also all belting, shaftin gearing, elevators, drums and machinery of every kind a description in and about such shops and factories, and that the same are not located so as to be dangerous to e ployes when engaged in their ordinary duties, and that same so far as practicable, are securely guarded, and t every vat, pan or structure filled with molten metal or liquid shall be surrounded with proper safe-guards for p venting accident or injury to those employed at or n them; and that all such are in proper sanitary condition, a are adequately provided with means of escape in case of or other disaster.

Repeals, etc.

SECTION 2. Said section 3 of section 2573*a* of the vised Statutes of Ohio be and the same is hereby repea and this act shall take effect and be in force from and a its passage.

W. S. McKINNON,
Speaker of the House of Representati

F. B. ARCHER,
President of the Sen

Passed May 2, 1902.

221G

[House Bill No. 288.]

AN ACT

To provide for platting and placing on the tax duplicate lots and parts of lots which extend into the bed of navigable rivers, in cities and villages, where the course of such river has been or shall be changed.

Be it enacted by the General Assembly of the State of Ohio:

Providing for the platting of lots and parts of lots which extend into the bed of navigable rivers where the course of such river has been changed.

SECTION 1. That in all cities or villages of the state of Ohio, through which any navigable river runs of which the channel or any part thereof has been or may hereafter be, changed, leaving the bed of such river free from running water, and the land on one or both banks of which has been or shall hereafter be laid off into lots or out lots or both to the bank of the river, it shall be the duty of the county commissioners to take to their assistance a competent engineer, and make a survey of such part or parts of the bed of such river, and mark the corners of lots and out lots, in the bed of such river and make a plat or plats showing the location and dimensions of all such lots and parts of lots and the lines of all streets and alleys which extend into the bed of any such river, which plats shall show the connection of such parts of lots and streets and alleys to the parts of lots and streets and alleys on the banks of such river, which plats shall be recorded in the office of the recorder of the proper county.

Plats to be recorded.

Appraisement and placing on tax duplicate.

SECTION 2. That the county commissioners after such surveys and plats shall have been made shall revise the appraisement of the lots and parts of lots which extend into the bed of such river, and if in the opinion of the county commssioners the value of such lots and parts of lots has been increased by the extension of the same into the bed of the river, they shall increase the appraisement of such lots for taxation and the county auditor shall place such increase on the tax duplicate.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 222G

[House Bill No. 868.]

AN ACT

To amend section 1545-276 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Akron and Youngstown:

SECTION 1. That section 1545-276 of the Revised Statutes of Ohio be amended so as to read as follows:

Fire department; salary of members.

SEC. 1545-276. The fire force of said city shall rece as remuneration the following salaries: Fire engineer salary of not less than fifteen hundred dollars ($1,500) annum; assistant engineer, a salary not less than three hu dred ($300) dollars per annum; captains, a salary of less than ten hundred and eighty ($1,080) dollars per num; lieutenants, a salary of not less than nine hundred a seventy-two ($972) dollars per annum; mechanical gineer, a salary of not less than fifteen hundred ($1,500) d lars per annum; engineers, a salary of not less than hundred and sixty-eight ($1,068) dollars per annum; sistant engineers, a salary of not less than nine hundred a sixty ($960) dollars per annum; firemen, a salary of less than eight hundred and forty ($840) dollars per num; linemen, a salary of not less than nine hundred a seventy-two ($972) dollars per annum; cadets, first gra a salary of not less than seven hundred and eighty ($78 dollars per annum; cadets, second grade, a salary of not l than seven hundred and twenty ($720) dollars per annu cadets, third grade, a salary of not less than six hundred a sixty ($660) dollars per annum; cadets, fourth grade salary of not less than six hundred ($600) dollars per num. The pay in all cases, except as otherwise provided shall be fixed by the city council, and the salaries shall paid semi-monthly to the persons entitled thereto. The o

Management, control and administration of; appointments.

cers, employes and property connected therewith, signals a fire alarms and the inspection of buildings, boilers, elevato fire escapes and all matters relating to the fire services, sh be under the management, control and administration the board of city commissioners and all officers and me bers of the fire force shall be appointed by the board of c commissioners, under such rules and requirements as physical and other fitness as the board may adopt, and sh after such appointment, hold their office during good havior, subject to suspension or removal at the pleasure

Apparatus for.

the board, for cause entered upon the record. Subject the provisions of this act in reference to contracts, the boa of city commissioners shall purchase all necessary fire gines, either steam or hand, hose, carriages and all oth such apparatus and instruments as shall be deemed necessa for the extinguishing of fires, and establish lines of alarms, telegraphs within the limits of the corporation, a fix fire limits, and shall cause to be erected all necessary a suitable buildings for containing fire engines, hose carria and fire apparatus.

Repeals.

SECTION 2. That said original section 1545-276 of Revised Statutes of Ohio, be and the same is hereby repeal

SECTION 3. This act shall take effect and be in fo from and after September 1st, 1902.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President of the Sen

Passed May 2, 1902.

223G

[House Bill No. 717.]

AN ACT

king appropriations for normal schools at the Ohio university, at Athens, Ohio, and at the Miami university, at Oxford, Ohio.

t enacted by the General Assembly of the State of Ohio:

Apropriations for normal schools.

SECTION 1. That there be and hereby is appropriated m any money in the state treasury to the credit of the hio university and Miami university funds," not otherse appropriated, for the last three-quarters of the fiscal r ending November 15th, 1902, and the first quarter of fiscal year ending February 15th, 1903, the following ns, to-wit:

For the Ohio university, the sum of $38,500.

For the Miami university, the sum of $28,000.

And for the last three-quarters of the fiscal year ending vember 15th, 1903, and the first quarter of the fiscal year, ling February 15th, 1904, the following sums, to-wit:

For the Ohio university, the sum of $38,500.

For the Miami university, the sum of $28,000, or so ch of said several amounts as may come into the state asury to the credit of said funds, to be applied to the s and purposes of the normal schools of the said univer-es, in accordance with the provisions of an act passed rch 12, 1902.

SECTION 2. This act shall take effect and be in force n and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 224G

[Senate Bill No. 151.]

AN ACT

pcal section 3643*a* and 3643*b* of the Revised Statutes of Ohio.

e enacted by the General Assembly of the State of Ohio:

Insurance companies other than life: Repeal of sections relating to coinsurance.

SECTION 1. That section 3643*a* of the Revised Stat- of Ohio (92 v. 107), and section 3643*b*, of the Re- Statutes of Ohio (91 v. 357) be and the same are y repealed.

SECTION 2. This act shall take effect and be in force and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 225G

[House Bill No. 767.]

AN ACT

To amend section 553 of the Revised Statutes of Oh

Be it enacted by the General Assembly of the State

Provisions for courts of record:

SECTION 1. That section five hundred and fi (553) of the Revised Statutes, be and is hereby am as to read as follows:

Court constables; duties and compensation.

Sec. 553. The court of common pleas and circ in any county, and the superior court in any city or and the insolvency court and probate court in any containing a city of the first class (except fourth and of the first grade of the second class, may each one or more constables to preserve order and dischar duties as the court requires; and in any county cont city of the second grade of the second class, the co so appointed by the court of common pleas shall the same duties in the probate court; and each c when so directed by the court, shall have the same call and impanel jurors, which by law the sherif county has, except in capital cases. The compens such constables shall be the same as that of regular except in the counties containing a city of the first the first class and of the first grade of the second c of the second grade of the first class, the compen all court constables shall be one thousand dollars pe each; and in counties containing a city of the seco of the second class, or second class, third grade *b*, pensation of each court constable shall be eight dollars per annum, payable monthly; and in all having a population of not less than eighty-four t one hundred and fifty and not more than eighty-fo sand two hundred and fifty at the federal census of shall be six hundred dollars per annum, and in coun taining cities of the third grade of the first class t pensation of such constables so appointed by the common pleas and the probate court, shall be eight ($800.00) dollars per annum; and of those so appo the circuit court, four hundred dollars per annum all cases shall be paid out of the county treasury on t of the court.

Repeals, etc.

SECTION 2. That said original section 553 of vised Statutes of Ohio, be and the same is hereby r and this act shall take effect and be in force from a its passage.

W. S. MCKINNO
Speaker of the House of Represe

F. B. ARCHER,
President of th

Passed May 2, 1902. 226G

[House Bill No. 358.]

AN ACT

To protect the lives and property of the traveling public and the employees of railroads in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to run passenger train with less than a full train crew:

SECTION 1. That it shall be unlawful for any railroad company doing business in the state of Ohio, to run over its road, or part of its road, outside of the yard limits, any passenger train with five cars or less, carrying passengers, with less than a full passenger crew, consisting of one engineer, one fireman, one conductor and one brakeman; for more than five cars, two brakemen; and on trains of more than two cars the said brakemen shall not be required to perform the duties of the baggage-master or express agent while on the road. Provided that nothing in this section shall apply to trains picking up a car or cars between terminals in this state, or to trains propelled by electricity.

Penalty.

SECTION 2. That any superintendent, or trainmaster, or their assistants, or other employee of any railroad company doing business in the state of Ohio, who shall send out on the road, or cause to be sent out on the road, outside of yard limits, any passenger train, whose crew consists of a less train crew than that stated in section one of this act, shall be guilty of a misdemeanor, and on conviction before any police judge, mayor or justice of the peace having jurisdiction, shall be fined not less than twenty-five dollars for each offense.

Duty of commissioner of railroads and telegraphs to enforce this act.

SECTION 3. It shall be the duty of the commissioner of railroads and telegraphs to have this law enforced.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 227G

[House Bill No. 24.]

AN ACT

For the relief of Joseph Higgins, Jr., late inmate of the Ohio soldiers' and sailors' orphans' home at Xenia, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

For relief of Joseph Higgins, Jr.

SECTION 1. That the auditor of state be, and he is hereby authorized and required to issue his warrant on the state treasury to pay to Joseph Higgins, Jr., the sum of eight hundred ($800) dollars, and for this purpose there be, and is hereby appropriated the sum of eight hundred ($800) dollars, from any money in the state treasury to the credit

of the general revenue fund, not otherwise appropriat which sum shall be in full liquidation and payment to s Joseph Higgins, Jr., for injuries received by him while inmate of the Ohio soldiers' and sailors' orphans' home Xenia, Ohio, and which said amount is to be in full of claims and demands against the state for and on account the injuries aforesaid.

SECTION 2. This act shall take effect and be in fo from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President of the Sen

Passed May 2, 1902. 228G

[House Bill No. 707.]

AN ACT

To amend sections 6817, and 6821 of the Revised Statutes of O

Be it enacted by the General Assembly of the State of Ol

Crimes against the person:

SECTION 1. That sections 6817 and 6821 of the vised Statutes of Ohio be amended so as to read as follo

Punishment for rape.

(Sec.) 6817. A person convicted of rape upon daughter, or sister, or female person under twelve years age, shall be imprisoned in the penitentiary during li and a person convicted of having carnal knowledge of other female person forcibly and against her will, shall imprisoned in the penitentiary not more than twenty ye nor less than three years; and a person convicted of c nally knowing and abusing a female person under sixt years of age with her consent, shall be imprisoned in penitentiary not more than twenty years nor less than year, or six months in the county jail or workhouse at discretion of the court, which is hereby authorized to h testimony in mitigation or aggravation of sentence.

Assault with intent to kill, or commit rape or robbery.

(Sec.) 6821. Whoever assaults another with intent kill, or to commit robbery or rape upon the person so saulted, or attempts to carnally know and abuse a fem person under sixteen years of age, with her consent, shall imprisoned in the penitentiary not more than fifteen ye nor less than one year.

Repeals, etc.

SECTION 2. That sections 6817 and 6821 of the vised Statutes of Ohio be, and the same are hereby repeal and this act shall take effect and be in force from and a its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President of the Sen

Passed May 2, 1902. 229G

[Senate Bill No. 184.]

AN ACT

To amend an act passed May 21st, 1894, entitled "An act to provide for the organization and regulation of credit guaranty corporations." (O. L. 91, pages 415, 416, 417, 418, 419).

Be it enacted by the General Assembly of the State of Ohio:

Credit guaranty companies:

SECTION 1. That an act passed May 21st, 1894 (91 O. L., pages 415, 416, 417, 418, 419), and entitled, "An act to provide for the organization and regulation of credit guaranty corporations," be amended so as to read as follows:

Organization.

SECTION 2. (Sec. 3691-14). Any number of persons, not less than five, may associate and form a company to guarantee and indemnify merchants, manufacturers, traders and those engaged in business, and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them, by making, acknowledging and filing articles of incorporation pursuant to, and by complying with section 3588, 3589 and 3590 of the Revised Statutes of Ohio.

Capital stock.

SECTION 3. (Sec. 3691-15). No such company shall be organized with a less capital than one hundred thousand dollars ($100,000), and the whole capital shall, before proceeding to business, be paid in and invested in treasury notes, in stocks or bonds of the United States, in stocks or bonds of the state of Ohio, or of any municipality or county thereof or in mortgages on unincumbered real estate within the state of Ohio, worth double the amount loaned thereon at the time such loan is made.

Increase of capital stock.

SECTION 4. (Sec. 3691-16). Any such company may increase its capital stock as provided in section 3592 of the Revised Statutes of Ohio.

Investment of capital; deposit.

SECTION 5. (Sec. 3691-17). Any such company may invest its capital stock and change such investment as provided in section 3593 of the Revised Statutes of Ohio; but no such company shall commence business until it has made the deposit of securities provided for in said section, which shall be held and controlled by the superintendent of insurance for the purpose and in the manner provided in said section 3593 and in section 3594 of the Revised Statutes of Ohio.

Certificate of deposit and of authority to transact business.

SECTION 6. (Sec. 3691-18). When such company is fully organized and has deposited the requisite amount of securities as hereinbefore provided, together with a certified copy of the papers required by this act, the superintendent of insurance shall, unless he find the name assumed by such company so nearly similar to the name of another company organized in this state as to lead to uncertainty or confusion on the part of the public, furnish such company with a certificate of such deposit and of authority to commence and transact business.

Powers of companies.

SECTION 7. (Sec. 3691-19). No such company shall undertake any business or risk except as provided in clause

2 of section 3641 and 3641*b* of the Revised Statutes of Ohio, and as herein provided, and such companies shall have the right, power and authority to agree to pay to merchants, manufacturers, dealers and persons engaged in business and giving credit, the debt or debts, or such part thereof as may be agreed upon, owing to them, or which may be thereafter owing to them, and to indemnify them from loss on account thereof in such an amount or per cent as may be agreed upon, and to charge and receive therefor such a sum or per cent as the consideration for such an agreement, guaranty or indemnity, as shall be agreed upon between such corporation and the person guaranteed or indemnified, and to buy, hold, own and take an assignment of any and all claims, accounts and demands so guaranteed, and to hold, own and collect the same, and to enforce the collection thereof by action the same as the original holder and owner thereof might or could do; and such corporation may also guarantee the payment of money for personal services under contract of hiring. Any such corporation may use its capital stock or its funds accumulated in the course of its business to purchase or pay for any claim or demand, the payment of which it has guaranteed; or against the loss of which it has indemnified the holder; and such of its capital stock or accumulated funds as may not be so used shall be invested in the same classes of securities in which the deposit to be made with the superintendent of insurance is required by the provisions of this act to be invested; provided, that when, on account of losses or otherwise, the amount of the funds of any such corporation shall fall below such sum as is required to be deposited by this act, no further guaranty of indemnity shall be issued until the deficiency has been made good.

Annual statements.

SECTION 8. (Sec. 3691-20). The president or vice-president of each company organized under this act, or under the laws of any other state, or the general manager for the United States of any company organized for like purposes under the laws of a foreign government, and doing business in this state, shall, annually, on the first day of January, or within thirty days thereafter, prepare under oath and deposit in the office of the superintendent of insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, and in the following form, to-wit

First. — The amount of the capital stock of the company, specifying the amount paid and unpaid.

Second. — The property or assets held by the company specifying:

1. The value of the real estate owned by such company where it is situated, and the value of the buildings thereon

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in the course of transmission.

4. The amount of loans secured by bonds and mortgages which are first liens on real estate and on which there is less than one year's interest due.

5. The amount of loans on which interest has not been paid within one year.

6. The amount due the company on which judgments have been obtained, and the cash value thereof.

7. The amount of stocks in this state, the United States, of any city in this state, and of any other stocks owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stocks.

8. The amount of stock held as collateral security for loans, with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid, and the amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies or bonds of guaranty or indemnity are issued.

12. The number of policies or bonds of guaranty or indemnity in force.

13. The amount of premiums received thereon.

14. The amount and description of all other assets.

15. The amount guaranteed under all policies in force.

Third. — The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. Gross losses in process of adjustment or in suspense, including all reported and supposed losses.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends, either cash or scrip, declared, but not due.

6. The amount of money borrowed, and the security for the payment thereof.

7. The amount of all other existing claims against the company.

Fourth. — The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes or contingent assets received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

Fifth. — The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.

5. The amount of all payments and expenditures.

6. The amount of scrip dividend declared.

Requirements of companies of other states.

SECTION 9. (Sec. 3691-21). Any corporation, company or association organized under the laws of any other state of the United States or of a foreign government to transact a like business as that provided for in this act, may be admitted and licensed to do business in this state; but as a condition precedent to being admitted to, and transacting business in this state, shall comply with the following conditions, to-wit: Deposit with the superintendent of insurance (1) a certified copy of its charter or articles of incorporation; (2) if the applicant be a corporation, company or association organized under the laws of any other state of the United States, a certificate from the insurance commission, commissioner or superintendent of insurance of its own state showing its authority to do such business, also a certificate from said commissioner or superintendent or like authority of its own state, that corporations, companies or associations of this state engaged in a like business, are, upon complying with the laws of said state legally entitled to do business in such state; (3) a statement under oath of its president and secretary, or like officers, or of the general manager for the United States of a company organized under the laws of a foreign government, in the form provided for in this act of its business for the preceding year; (4) a copy of its policy, bond or guaranty, application and by-laws; (5) if the applicant be a corporation, company or association organized under the laws of any other state of the United States, a certificate from the insurance commissioner, superintendent of insurance or other proper officer of its own state, that such company has invested at least one hundred thousand dollars of its assets in the interest paying bonds or stocks of the United States or of this state, or of some other state of the United States, of the market value of one hundred thousand dollars in the city of New York, or in bonds and mortgages on unincumbered real estate in this state, or in the state under the laws of which it is organized, of at least double the value of the amount loaned thereon; that such securities are held under the laws of such state by such officer for the benefit of all its policy, bond or guaranty holders; and such certificate shall also state the character of the securities held by such officer and their value; (6) a duly certified copy of the resolution of its board of directors or authority, duly acknowledged before a notary public by the general manager for the United States of a company organized under the laws of a foreign government, appointing an attorney in this state upon whom service of summons or other process in all actions begun in this state may be made.

When company from other state exempted from making deposit.

SECTION 10. (Sec. 3691-22). No deposit in this state shall be required of any corporation, company or association of another state, if such company, corporation or association has made the deposit in its own state, referred to in the last preceding section, and has filed with the superintendent of insurance of this state the certificate mentioned in the last preceding section, as evidence of such deposit; provided, however, that any corporation doing the credit guaranty business in this state, which is incorporated by or organized under the laws of a foreign government, shall make the deposit with the superintendent of insurance of such securities, and in such amount and for the purpose required by section 3660 of the Revised Statutes of Ohio.

Forfeiture of right to do business.

SECTION 11. (Sec. 3691-23). Any corporation organized under this act, or doing business in this state hereunder, which shall fail or refuse to file a statement or report, shall forfeit its right to do business under this act, which forfeiture the superintendent shall enforce by proceedings in quo warranto; and it is hereby made the duty of the attorney general of the state to institute such proceedings upon his request in writing.

Examination.

SECTION 12. (Sec. 3691-24). Any such corporation, association or company shall be subject to examination by the superintendent of insurance of this state under and pursuant to the provisions of the laws of this state relative to the examination of life insurance companies.

Repeals, etc.

SECTION 13. Said act passed May 21st, 1894 (91 O. L., pages 415, 416, 417, 418, 419), entitled an act "To provide for the organization and regulation of credit guaranty corporations," is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 230G

[House Bill No. 78.]

AN ACT

To amend section 2100*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Workhouses:

SECTION 1. That section 2100*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Parole of prisoners in workhouse; Toledo.

Sec. 2100*a*. Provided, however, that the board of workhouse directors in cities of the third grade of the first class shall have power to establish rules and regulations under which, and specify the conditions on which, any prisoner (except prisoners convicted under sections sixty-nine hundred and fifty-one (6951), sixty-nine hundred and fifty-one-

one (6951-1), sixty-nine hundred and fifty-two (6952), and sixty-nine hundred and eighty-four *a* (6984*a*) of the Revised Statutes of Ohio, may be allowed to go upon parole outside of the buildings and enclosures, but to remain while on parole, in the legal custody and under the control of the board, and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules and regulations and conditions, and to retake and reimprison any convict so upon parole is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; and said board may employ or authorize any person or persons to see that the conditions of said paroles are not violated, and in case of such violation to return any such prisoner so violating said parole to said workhouse, and the time between the violation of the conditions of such parole or conditional release, by whatever name, as entered by order of the board in the record of its meeitngs, and the reimprisonment or return of such prisoner shall not be counted as any part or portion of time served under any sentence; and any prisoner at large upon such parole who fails to return to the actual custody of said workhouse as may be specified as one of the conditions of his parole, or commits another crime and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in section two thousand one hundred and three (2103) of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate

Passed May 2, 1902. 231G

[Senate Bill No. 300.]

AN ACT

To supplement section 4009-20 of the Revised Statutes of Ohio by adding section 4009-21.

Be it enacted by the General Assembly of the State of Ohio:

Schools and attendance enforced:

SECTION 1. That section 4009-20 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Establishment of special joint township high school; procedure.

Sec. 4009-21. Where a special joint township high school is desired by the electors of several townships lying wholly in one county or partly in two or more counties, the probate judge shall upon the filing of a petition signed by at

least forty per cent of the electors residing in the territory in each township constituting the proposed district, cause notice that said petition has been filed to be published for four consecutive weeks in two newspapers of opposite politics printed and of general circulation in the county or counties having territory in said proposed district. The probate judge of the county embracing the greatest number of residents in the territory constituting the district to be established, shall have jurisdiction and at the time of filing the petition, there shall also be filed a plat of the territory embracing the district, the place for the location of the schoolhouse and a statement containing the number of residents in each township residing in the territory to be embraced in said district, and the probate judge shall proceed in the premises the same as provided for the establishment of joint subdistricts.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 232G

[House Bill No. 686.]

AN ACT

To amend section 5326 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Manner of giving and entering judgment:

SECTION 1. That section 5326 of the Revised Statutes of Ohio be amended so as to read as follows:

Must be entered by clerk in conformity to verdict; exception.

Sec. 5326. That when a trial by jury has been had, judgment must be entered by the clerk in conformity to the verdict, unless the verdict is special, or the court order the case to be reserved for future argument or consideration immediately after the time allowed by law for the filing of a motion for a new trial if such motion has not been filed; if a motion for a new trial has been filed then such judgment shall be entered only when the court has sustained such verdict by the overruling of such motion for a new trial and shall upon such overruling of said motion be then immediately entered.

Repeals.

SECTION 2. That said section 5326 of the Revised Statutes of Ohio be and the same hereby is repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 233G

[Senate Bill No. 230.]

AN ACT

To provide for the manner of submission of constitutional amendments and other questions to a vote of the people.

Be it enacted by the General Assembly of the State of Ohio

Constitutional amendment; state convention of political party may take action in favor or against adoption of.

SECTION 1. That whenever the approval of any constitutional amendment is to be submitted to a vote of the people, any state convention of a political party, which at the last preceding general election polled at least one per cent. of the entire vote cast in the state, may take action in favor of, or against the adoption of such constitutional amendment to be submitted at the next succeeding annual election, and shall certify such action to the secretary of state in the manner provided for certifying nominations for state offices, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of said party in the manner hereinafter provided.

Certification of action to secretary of state, and printing upon ballot.

Manner of printing on ballot.

SECTION 2. Such constitutional amendment or amendments shall be stated in words sufficient to clearly designate the same, and such statement or statements shall be printed in a separate column on the regular ballot. On the line below such statement shall be printed the word "Yes," and on the next line below shall be printed the word "No"; provided that said statement shall also be placed on the official ballot immediately below the names of the candidates for state offices on the regular ticket of any party or parties certifying action thereon as provided in section 1 of this act, being followed by the word "yes" or the word "no" accordingly as affirmative or negative action shall have been certified thereon by said party or parties, and said statement of said amendment or question, with the action taken thereon by said party, shall thereupon become a part of said party ticket.

How ballot to be marked.

SECTION 3. The elector shall observe the following rules in [marking] making his ballot:

1. He may make a cross mark in the blank space to the left of and before the answer he desires to give to the submission of any constitutional amendment, in the separate column devoted to said amendment, or he may make a cross mark in the blank space to the left of and before the statement, and answer thereto, of any constitutional amendment, as the same may be printed and certified on the ticket of any political party; whereupon, such mark shall cast his ballot for the answer opposite which it is made.

2. The voter may make a cross mark in the blank circular space at the head of any ticket upon which is printed the statement of any constitutional amendment or question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to the submission of each and every constitutional amendment so printed on said ticket, unless he shall have specifically answered any of said con-

stitutional amendments otherwise elsewhere on the ballot in the manner heretofore stated.

Application of other laws.

SECTION 4. Save as otherwise provided herein, all of the provisions of title 15, chapter 2, of the Revised Statutes of Ohio, and all acts amendatory and supplementary thereto, shall apply to the election herein provided for, and all the provisions of said law, or laws, relating to the marking and counting of ballots for candidates, not inconsistent herewith, shall apply to the marking and counting of votes upon any constitutional amendment in any election held under the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 234G

[House Bill No. 469.]

AN ACT

To reimburse John F. Kleinoeder, a private of company F, 2d regiment, infantry, Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for John Kleinoeder.

SECTION 1. That there be and is hereby appropriated, out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of two hundred and fifty dollars ($250.00), to reimburse John F. Kleinoeder, a private of company F, 2d regiment infantry, Ohio national guard, for the expense incurred as the result of injury received in the discharge of duty in the city of Toledo, Ohio, on the 29th day of July, A. D. 1901.

SECTION 2. This act shall take effect and be in force on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 235G

[Senate Bill No. 315.]

AN ACT

To amend section 1831 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police power of mayor, etc.:

SECTION 1. That section 1831 of the Revised Statutes of Ohio be amended so as to read as follows:

Police justice; appointment, term, jurisdiction, powers, duties, etc.

Sec. 1831. In villages and cities not otherwise pr vided for by law the council may, upon the recommendati of the mayor, by an affirmative vote of two-thirds of all t members elected, appoint some justice of the peace or oth suitable person, resident of the corporation, police justi who shall during the term of office of such mayor, unl removed on suggestion of such mayor by a two-thirds vo of all the members of the council, have concurrent jurisd tion of all prosecutions for violations of ordinances of t corporation, or city with full power to hear and determi the same, and shall have the same powers, perform the sa duties, and be subject to the same responsibilities in all su cases as are prescribed in the preceding sections, to be pe formed by and are conferred on the mayors of such co porations and city. Any person so appointed police justi other than a justice of the peace, shall take an oath of offi and give bond in such sum for the faithful performance his duties as the council may by ordinance require.

Repeals.

SECTION 2. That said original section number 1831 and the same is hereby repealed.

SECTION 3. This act shall take effect and be in for from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representativ
F. B. ARCHER,
President of the Sena

Passed May 2, 1902. 236G

[Senate Bill No. 61.]

AN ACT

To amend section 3380 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Oh

Railroad companies:

SECTION 1. That section 3380 of the Revised Statut of Ohio be supplemented with an additional section, nu bered 3380*a*, as follows:

Consolidation of railroad companies.

Sec. 3380*a*. Any railroad company formed by the co solidation of a company or companies of this state with company or companies of another state or states, may ma a further consolidation with a company or companies of a other state or states owning a continuous and connected, b not parallel or competing lines. The constituent compani shall have power to fix by the agreement for such conso dation the terms and conditions upon which the same sh be made, which terms and conditions may include the pa ment or retirement of the preferred stock of either or a of the constituent companies, if they have such; and case the new company shall issue preferred stock, the p value of the shares thereof may be fixed by the agreeme of consolidation, or by the resolution for the issue there

without regard to the par value of shares of the common stock of such company.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 237G

[Senate Bill No. 245.]

AN ACT

To amend section 3596 of the Revised Statutes of Ohio providing for insurance against sickness, temporary or permanent physical disability.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3596 of the Revised Statutes be amended so as to read as follows: Life insurance companies:

Sec. 3596. [What kind of business such companies may do.] No company, organized under the laws of this state, shall undertake any business or risk, except as herein provided, and no company, partnership or association, organized or incorporated by act of congress, or under the laws of this or any other state of the United States, or by any foreign government, transacting the business of life insurance in this state, shall be permitted or allowed to take any other kind of risks, except those connected with, or appertaining to making insurance on life or against accidents to persons, or sickness, temporary or permanent physical disability, and granting, purchasing and disposing of annuities; nor shall the business of life insurance, or life and accident insurance, in this state be in any wise conducted or transacted by any company, partnership or association which in this state, or any other state or country, makes insurance on marine, fire, inland, or any other risk, or does a banking or any other kind of business in connection with insurance, (1888, March 27; 85 v. 119; Rev. Stat., 1880; 69 v. 150, 3; 71 v. 12, 2 (S. & S., 218);). What kind of business such companies may do.

SECTION 2. This act shall take effect and be in force from and after its passage and the original section 3596 to which this is amendatory is hereby repealed. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 238G

[Senate Bill No. 68.]

AN ACT

To amend section 1699-3 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio

Ordinances, etc.; how adopted:

SECTION 1. That section 1699-3, Revised Statutes o Ohio, be amended to read as follows:

Revised book of ordinances;

Sec. 1699-3. Whenever in any city or village of thi state existing ordinances shall be revised, amended, rear ranged, consolidated, indexed, and published in book form said publication in book form shall be taken and held to b in lieu of publishing the same in a newspaper, as require

Publication, when dispensed with.

by law, and shall be a sufficient publication of such ordi nances to all intents and purposes, and the ordinance or sev eral ordinances so published shall be held the same in law as though they had been published in a newspaper as now required by law. Provided that the new ordinances and changes made in existing ordinances by such revisions, shal be prepared by the clerk, and approved by the council That said section 1699-3 of the Revised Statutes of Ohio b and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate

Passed May 2, 1902. 239G

[Senate Bill No. 53.]

AN ACT

To abolish grade crossings in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio

Grade crossings in municipalities; municipalities may abolish.

SECTION 1. Any municipal corporation may raise o lower, or cause to be raised or lowered, the grade of an street or way above or below any railroad tracks therein and may require any railroad company operating a railroa in such municipality to raise or lower the grade of its track and may construct ways or crossings above the tracks o any railroad, or require the railroad company to construc ways or crossings that are to be passed under its tracks whenever, in the opinion of the council, board of legisla tion or other legislative body the raising or lowering of th grade of any such railroad tracks, or the raising or lowerin or construction of such ways or crossing may be necessary upon the terms and conditions hereinafter set forth in thi act.

SECTION 2. The council, board of legislation or other legislative body of any such municipality, for the purpose of making or causing any such improvement to be made, may, by ordinance, require the railroad company, in coöperation with the engineer of such municipality, or the engineer designated in said ordinance by the council, board of legislation or other legislative body, to prepare and submit to said council, board of legislation or other legislative body, within six months, unless longer time is mutually agreed upon, plans and specifications for such improvement, specifying the grades to be established for the streets, and the height, character and estimated cost of any viaduct or any way above or below any railroad tracks, and the change of grade required to be made of such track, including side tracks and switches; but in changing the grade of any railroad, no grade shall be required to exceed the established maximum or ruling grade governing the operations by engines of that division or part of the railroad on which the improvement is to be made, without the consent of the railroad company, nor shall the railroad company's tracks be required to be placed below high water mark. If at the expiration of said six months the railroad company shall have refused or failed to coöperate in the preparation of said plans and specifications, the engineer of such municipality, or the engineer designated by said council, board of legislation or other legislative body, is hereby empowered to prepare and submit same to said council, board of legislation or other legislative body, and if said plans and specifications are not satisfactory to said council, board of legislation or other legislative body and said railroad company, and cannot be made so by mutual agreement within a further period of three months, and in the event that either the municipality or the railroad company shall not consent to the making of such improvements according to the plans and specifications submitted, then and in that case said plans and specifications, together with the points of difference between the council, board of legislation or other legislative body and the railroad company may be submitted by either party to the circuit court having jurisdiction in the county in which said municipality is situated, which court shall, after examination of such plans and specifications, and after hearing the evidence, make a finding as to whether or not the public safety requires such improvement to be made, and whether or not said plans and specifications are reasonable and practicable; and if such court finds such improvement is necessary to the public safety, and that the plans are reasonable and practicable, the municipality shall be required to make such improvements to its streets as may be necessary, and the railroad company be required to make the changes necessary to its tracks and road bed, in order to comply with the rulings of the court; but if the court finds that the improvement is not necessary to the public safety, or that the plans and specifications are not reasonable and practicable, then the improvement shall not be made upon said plans.

Preparation of plans and specifications by railroad company and city engineer.

Preparation of such plans and specifications by city engineer upon refusal of railroad company to coöperate in preparation.

Duty of circuit court as to settlement of differences between railroad company and city.

And if more than one railroad company owns tracks on th crossing in question, then the said circuit court shall ap portion the part of the expense payable by the railroad com panies between or among the said railroad companies. Th word "company" in this act is intended to include also th words "company or companies."

Apportionment of cost between city and railroad company.

SECTION 3. The cost of the construction of the im provement authorized, including the making of ways, cross ings or viaducts, above or below the railroad tracks, an also including the raising or lowering of the grades of th railroad tracks and side tracks for such distance as may b required by such municipality and made necessary by suc improvement, together with the cost of any land or prop erty purchased or appropriated, and damages to owners o abutting property, or other property, shall be borne one half by any such municipality and one-half by any suc railroad company or companies; and any such municipalit shall have the right of action against any such railroad com pany for the recovery of the one-half of such costs payabl by such railroad company with interest from the time the become due; [and] any such municipality and railroad com pany may agree as to what part of such work shall be don by such railroad company, and also fix the amount whic shall be allowed or credited to such railroad company fo doing such work; and such railroad company shall be en titled to deduct from half of the cost of such improvemen the expense and costs incurred by it in the change of it grade required by such municipality or made necessary b such improvement under such specifications, but only i case the amount of such cost and expense has been agree upon in writing between the municipality and the railroa company, and if the amount of work that may be done b the railroad company, or made necessary by reason of suc change of grade on lowering or raising its tracks, exceed one-half of the cost of the improvement, then such railroa company shall have the right to recover the amount wit interest in excess of one-half the costs and expenses, in a action at law against such municipality.

Height of viaducts.

SECTION 4. Any way, crossing or viaduct so con structed over any railroad track or tracks in any munici pality shall be of such height as not to be less than twenty one feet in the clear from the top surface of the rails o the railroad track to the lowest point or projection of suc overhead way, crossing or viaduct, unless such compan shall consent to or the circuit court order a less height, bu in no event shall said circuit court order a less height tha 16 feet and three inches.

How necessary land acquired.

SECTION 5. The land or property required to mak any alterations in the street or highway necessitated by th proposed improvement shall be purchased or appropriate by the municipality or company after the manner provide by law for the appropriation of private property for publi use, and the land or property required to make any altera

tion in the railroad or railroads necessitated by the proposed improvement shall be purchased or appropriated by the railroad company or companies after the manner provided for the appropriation of private property by such corporation; but the municipality shall not appropriate land held or owned by any railroad company necessary for the use of such railroad company in maintaining and operating its road.

Cost of maintenance, how borne.

SECTION 6. After the completion of the work the crossings and the approaches shall be kept in repair as follows: When the public way crosses a railroad by an overhead bridge, the cost of maintenance shall be borne by the municipality. When the public way passes under the railroad the bridge and its abutments shall be kept and maintained by the railroad company, and the public way and its approaches shall be maintained and kept in repair by the municipality in which they are situated.

Bond issue to pay city's share of such improvement.

SECTION 7. For the purpose of raising the money to pay the proportion of the cost of such improvement payable by the municipality, the bonds of the municipality may be issued to the necessary amount, which bonds shall be of such denomination and payable at such place and times as the council, board of legislation or other legislative body may determine, and shall bear interest not exceeding four per cent per annum, and shall not be sold for less than their par value. A tax on the taxable property of the municipality in addition to all other levies now allowed by law may be levied to pay the principal and interest of the bonds as the same may mature. After the completion of the improvement a tax in addition to all other levies allowed by law may be levied by the municipality to pay the cost of maintaining and keeping in repair that part of the work required to be maintained and kept in repair by said municipality.

Tax levy.

Street railway companies to bear share of expense of making such improvements.

SECTION 8. In case the track or tracks of any street railway company or companies within the limits of any municipality where the improvements authorized by this act are made shall cross at grade or otherwise a public street or the right of way of any railroad company or companies at a point where, under the plans and specifications provided for in this act, it has been determined to construct the said improvements, the municipality shall have power by ordinance to require such street railway company or companies to bear a fair and reasonable proportion of the cost assumed by said municipality in the making of said improvement, not exceeding one-half the portion payable by said municipality; provided however, that said street railway company or companies shall keep in repair at its or their own expense all tracks affected by such improvement and all construction work of whatever character which may be necessary to support such tracks.

Repeals.

SECTION 9. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

SECTION 10. This act shall take effect and be in forc from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senat

Passed May 2, 1902. 240G

[House Bill No. 160.]

AN ACT

To appropriate money for the relief of James W. Mefford, Goshen township, Auglaize county, Ohio.

Be it enacted by the General Assembly of the State of Ohio

For the relief of James W. Mefford.

SECTION 1. That the auditor of the state of Ohio b and is hereby authorized and required to issue his warrar on the treasurer of the state to pay to said James W. Me ford of Goshen township, Auglaize county, Ohio, the sur of five hundred dollars ($500), for injuries received whil engaged in working for the state on the Lewistown reser voir, which sum shall be in full for all injuries sustained b said James W. Mefford.

SECTION 2. That there is hereby appropriated fro any money in the treasury of the state to the credit of th general revenue fund and not otherwise appropriated th sum of five hundred dollars ($500) for the relief of sai James W. Mefford.

SECTION 3. This act shall take effect and be in forc from and after its passage.

W. S. McKINNON,
Speaker of the House of Representative
F. B. ARCHER,
President of the Senat

Passed May 6, 1902. 241G

[House Bill No. 846.]

AN ACT

To amend section 621-20 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Justices of the peace; Toledo:

Salary of deputy clerks.

SECTION 1. That section 621-20 of the Revised Sta utes of Ohio be amended so as to read as follows:

Sec. 621-20. Such deputies shall each receive as com pensation for their services the sum of eight hundre ($800.00) dollars per annum, payable monthly from th treasury of such city.

SECTION 2. That said section 621-20 of the Revised Statutes of Ohio be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage. Repeals.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 242G

[House Bill No. 524.]

AN ACT

To further supplement section 3999 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3999 of the Revised Statutes of Ohio be further supplemented by the following section: Schoolhouses and libraries:

Sec. 3999*c*-1. The provisions, requirements, limitations and inhibitions of sections 1005, 1006, 1007, 1008 and 1009 of the Revised Statutes of Ohio, shall apply to and govern the levying of taxes and the making of appropriations and expenditures for library purposes in and for any city of the first grade of the first class situate in any county having a board of control, in all respects and as fully as said sections apply to and govern any such county in the levying of its taxes and in providing for its yearly expenditures; and it shall be unlawful in any such county to levy any tax for library purposes or to make any expenditure from any library fund, created under section 3999*c* of the Revised Statutes, without the action thereon of the county auditor and of the board of county commissioners and of the board of control, in the manner prescribed in and by said several sections 1005, 1006, 1007, 1008 and 1009: Provided, however, that in the year 1902 the report required by said section 1008 shall be made by the board of trustees of any public library of any such city on or before the first Monday of May of said year, and that the statements required by said section 1005 shall be made by the county auditor, as to the tax for library purposes in such cities, on or before the first Monday of June of said year, and the first appropriation of funds provided for by this act shall be made for the six months ending December 31st, 1902, in accordance with said section 1007. The secretary of the board last named shall, on demand, furnish to the county auditor, board of county commissioners, and board of control any information relating to the finances of said board, which either may deem necessary in the proper discharge of the duties imposed by this act. The provisions of section 2834*b* of the Revised Statutes shall apply to all contracts, agreements, obligations and orders involving the expenditure of money, entered into or made by the board of trustees of the public

Provisions relating to tax and expenditures for library purposes in Cincinnati.

library of any such city, and any action of any such boa
contrary to the provisions of said section, shall be vo
except that the certificate of the county auditor required
said section shall not be necessary in case of current
penditures, or in case of any other expenditures not
ceeding five hundred dollars, or in case of contracts for
employment of officers, assistants or other employes of su
board.

Repeals, etc.

SECTION 2. That all laws and parts of laws, in so
as they conflict with any of the provisions of this act,
and the same are hereby repealed, and that this act sh
take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representativ
F. B. ARCHER,
President of the Sena

Passed May 6, 1902. 243G

[House Bill No. 606.]

AN ACT

To amend section 6490 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Attachment:

SECTION 1. That section 6490 of the Revised Statut
of Ohio be hereby amended so as to read as follows:

When undertaking must be given.

Sec. 6490. When the ground of attachment is, th
the defendant is a foreign corporation, or a non-resident
the county, or that the claim on which judgment is soug
is for work or labor, the order of attachment may be issu
without an undertaking, but in all other cases, the order
attachment shall not be issued by the justice until the
has been executed in his office, by one or more sufficie
sureties of the plaintiff, to be approved by the justice, a
Its conditions. undertaking, not less than double the amount of the plai
tiff's claim, to the effect that the plaintiff shall pay the d
fendant all damages which he may sustain by reason of th
attachment, if the order be wrongfully obtained.

Repeals.

SECTION 2. That said section 6490 of the Revise
Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in for
from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representative
F. B. ARCHER,
President of the Senat

Passed May 6, 1902. 244G

[House Bill No. 942.]

AN ACT

To amend section 1895 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1895 of the Revised Statutes of Ohio be amended so as to read as follows:

Police board and officers in Cincinnati:

Compensation of officers and members.

Sec. 1895. The officers and members of the police force shall receive compensation as follows: The superintendent, a salary of $5,000.00 per annum, $1,500.00 of which sum shall be paid by the county in which such city is situated; the inspector of police shall receive a salary not exceeding $2,000.00 per annum; the police surgeon shall receive a salary not exceeding $2,250.00 per annum; the assistant police surgeon shall receive a salary not exceeding $1,800.00 per annum; each captain of police and the captain of patrol shall receive a salary not to exceed $1,800.00 per annum; lieutenants of police shall each receive a salary not to exceed $1,500.00 per annum; sergeants of police shall each receive a salary not to exceed $1,200.00 per annum; corporals of police shall each receive a salary not to exceed $1,100 per annum; patrolmen shall each receive pay at the rate of $70.00 per month during the first year of their service, $75.00 per month during the second year, $80.00 per month during the third year, and $85.00 per month during the fourth and subsequent years of their service; station house keepers and drivers shall each receive pay at the rate of $60.00 per month during the first two years of their service and $65.00 per month during the third and subsequent years of their service; the chief police court officer shall hold rank of lieutenant and receive a salary of $1,800.00 per annum; and the court officers the rank and pay of patrolmen; provided, however, that in estimating the length of service, those officers and policemen appointed from the force now existing in such cities shall receive credit for the time and faithful service rendered as such officers and policemen heretofore; the compensation of all clerks and other persons employed under the provisions of this subdivision, and not otherwise fixed, shall be determined by the commissioners.

Repeals, etc

SECTION 2. That said section 1895 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902.

245G

[House Bill No. 592.]

AN ACT

To authorize the sale of a portion of a state lot on the Miami and canal, in the village of Spencerville, Allen county, Ohio, at lock No. 38, numbering from Toledo.

Be it enacted by the General Assembly of the State of O

Certain officers authorized to sell portion of a state lot to George Kephart.

SECTION 1. That the governor, attorney general the canal commission be and they are hereby autho to sell to George Kephart, at an appraisement to be by said canal commission, so much of the state lot at No. 38, numbering from Toledo, in the village of Spe ville, Allen county, Ohio, as is described as follows:

Commencing at the southeast corner of a lot that conveyed to the state of Ohio by William Tyler and January 28th, 1853, and running thence northerly along easterly line of said lot, 51.83 feet; thence westerly right angles, 94 feet; thence southerly, at right an 51.83 feet to the southerly line of said lot; thence east at right angles, along the southerly line of said lot, 94 to the place of beginning, and containing 4872 square

Certain property to be excepted from deed.

SECTION 2. The deed conveying said property sha made subject to the provisions of an oil lease grante the state of Ohio to W. M. Neely, October 9th, 1900.

SECTION 3. This act shall take effect and be in f from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representat
F. B. ARCHER,
President of the Se

Passed May 6, 1902. 246G

[House Bill No. 157.]

AN ACT

To amend section 6191 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of O

Executors and administrators:

How unclaimed money to be invested.

SECTION 1. That section 6191 of the Revised Stat of Ohio be amended so as to read as follows:

Sec. 6191. If any sum of money directed by a de or order of the court to be distributed to heirs, nex kin, or legatees, shall remain for the space of six mo unclaimed, the executor or administrator who was ord to pay over the same, shall by order of the court, loan same on bond or mortgage, as the court shall direct accumulate for the benefit of the persons entitled the and such loan shall be made in the name of the judge of court for the time being, and shall be subject to the o of the judge and his successors in office, as hereinafter

vided; and the person making such loan shall file in the court a memorandum thereof, with the original bond or note and mortgage, as the case may be, which shall be allowed as a sufficient voucher for such payment under the said order or decree; or, if the amount be not so loaned for the further space of six months, the same shall be turned into the county treasury and credited to the general fund, without liability for interest thereon, and the receipt of the county treasurer taken for said amount and filed as a sufficient voucher; provided, that the statute of limitations shall not be set up as a defense or bar to an action against any executor or administrator who fails or neglects to comply with the foregoing requirements of this section. Proviso.

SECTION 2. That said section 6191 of the Revised Statutes of Ohio be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeal, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 2476

[House Bill No. 357.]

AN ACT

To amend sections 5228 and 6721 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5228 and 6721 of the Revised Statutes of Ohio be amended so as to read as follows: Trial on appeal.

Sec. 5228. A party in any trust capacity, or a county treasurer in his official capacity, who has given bond in this state with sureties according to law, shall not be required to give bond and security to perfect an appeal; and in such case, the clerk of the common pleas court, at the expiration of thirty days from the entering of such judgment or order upon the journal of the court, shall, if not otherwise directed, make a transcript, which together with the papers and pleadings filed in the case he shall transmit to the clerk of the circuit court as in other cases of appeal. Who not required to give undertaking. Transmission of papers.

Sec. 6721. Executors, administrators, guardians and county treasurers acting in their respective trust capacities, who have given bond in this state, with surety, according to law, shall not be required to give the undertaking mentioned in section sixty-seven hundred and eighteen. Who not required to give undertaking.

SECTION 2. That original sections 5228 and 6721 of the Revised Statutes of Ohio, be and the same are hereby repealed. Repeal, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 248G

[House Bill No. 648.]

AN ACT

To supplement section 3256 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations, etc.:

SECTION 1. That section 3256 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

When mortgage of certain corporations deemed to be duly recorded.

Sec. 3256*a*. Such mortgage of real and personal property when heretofore or hereafter made by a company organized to operate a line or lines of telegraph, telephone, district telegraph messenger service, or for the purpose of supplying gas or electricity [or hot water] for lighting, fuel or other purposes, or hot water, or steam, for heating or fuel purposes, shall be held to be duly recorded if the same is recorded in the office of the recorder of deeds in the county and each of the counties in which the real or personal property intended to be mortgaged is situate or employed; and the mortgage so recorded shall be held to be a good and sufficient lien from the date of the filing of the same for record in each county where it is recorded as well upon the personal as the real property of the company.

When lien effective.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 249G

[House Bill No. 672.]

AN ACT

For the relief of Henry Higgins, of company C, ninth battalion. O. N. G.

Be it enacted by the General Assembly of the State of Ohio:

For relief of Henry Higgins.

SECTION 1. That there is hereby appropriated out of the general revenue fund of the state, not otherwise appropriated, the sum of sixty ($60.00) dollars; and the auditor of state is hereby authorized and required to issue his war-

rant on the state treasurer for said amount, to pay Henry Higgins, a private in company C, ninth battalion, O. N. G., in full liquidation and payment of all expenses and lost time by reason of injuries received on the 30th day of April, 1898, while in the discharge of his duties as a member of the Ohio national guard.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 250G

[House Bill No. 620.]

AN ACT

To amend section (1545-282) (1) Sec. 15, relative to rate of taxation in certain cities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sec. (1545-282) (1) Sec. 15 of the Revised Statutes be amended to read as follows:

Akron and Youngstown:

Sec. (1545-282) (1) Sec. 15. The aggregate of all taxes levied or ordered by such city above the tax for county and state purposes, and excepting the tax for schools and schoolhouse purposes, shall not exceed in any one year eleven mills; provided, however, that the city commissioners of such cities shall annually, at the time the rate of levy is fixed, provide by resolution for the distribution of the tax among the several departments of the corporation in such proportion to the needs as may be deemed necessary, and at no time thereafter shall the amount specified as necessary for the purpose named be changed, and all transfer of funds from one account to another are hereby expressly prohibited; and, provided, further, that in any such city in which there is established and maintained a public library association, not organized for profit, a public library free to all inhabitants of such city, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes not exceeding four-tenths of a mill on all taxable property within such city, to be called the public library fund and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such library association, to be used in the purchase of books, pamphlets, magazines, newspapers, rent and for general library expenses, subject to such requirements as to accounting and reporting to council as the council may prescribe; and, provided, further, that the council may levy an annual tax for the years 1900, 1901, 1902 and 1903, in addition to said above aggregate amount of taxes, and the tax for a public library not exceeding one mill on each dollar of valuation

Rate of taxation.

Transfer of funds.

Library tax.

Additional tax for fire engine houses and equipment thereof.

of all taxable property within such city, and the proceeds of such levy shall be applied exclusively for the construction of fire engine houses and the equipment thereof; and the council of such city may anticipate the whole or a part of the annual levy for said purposes, by borrowing an amount of money not to exceed in the aggregate the amount that will be raised by said levy of one mill for the years aforesaid, at a rate of interest not to exceed six per cent per annum, and issue bonds therefor, payable on the collection of said taxes.

Bonds in anticipation of levy.

Repeals, etc.

SECTION 2. That said original Sec. (1545-282) (1) Sec. 15 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 2516

[House Bill No. 820.]

AN ACT

Ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition thereof.

Be it enacted by the General Assembly of the State of Ohio:

Consent of this state given to acquisition by United States of any land required for purposes of government.

SECTION 1. That the consent of the state of Ohio is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this state required for sites for custom houses, court houses, postoffices, arsenals, or other public buildings whatever, or for any other purposes of the government.

Exclusive jurisdiction over such land ceded to United States; exception.

SECTION 2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes except the service upon such sites of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

When such jurisdiction shall vest.

SECTION 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 252G

[House Bill No. 301.]

AN ACT

To amend section 2496 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Lighting corporation:

SECTION 1. That section 2496 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Notice of requirement to light bridge or railway shall be given; time and manner.

Sec. 2496. Notice of such requirement to light any bridge or railway shall be given at least twenty days before penalty or charge shall be imposed for default, and such notice may be given by delivering to any owner or part owner, or any person having possession, charge or management of such bridge or railway, a written or printed copy of the ordinance, provided, however, that when such ordinance requires the lighting of a railway, service of such written or printed copy of the ordinance upon any ticket or freight agent of such railway company in such city or village, and if there be no such ticket or freight agent in such city or village, upon any ticket or freight agent of such railway company in the county wherein such city or village is located, shall be deemed sufficient and shall charge the person, company, corporation, or partnership, owning or operating such railway with notice of the passage of said ordinance and the requirements thereof.

Repeals, etc.

SECTION 2. Said original section 2496 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 253G

[House Bill No. 400.]

AN ACT

To amend section 4364-60 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Labels and marks:

SECTION 1. That section 4364-60 of the Revised Statutes of Ohio be amended so as to read as follows:

Compensation for securing drift timber or boats.

Sec. 4364-60. That every person who shall take up and secure any boats, fleets of timber, rafts, platforms, saw-logs or other logs, or trees prepared for the purpose of sale, or any cross or railroad ties, boards, planks, staves, heading or other timber prepared for market, the property of another, found adrift in the Ohio river, and the river and creeks within the state of Ohio, in which there is no other boom or arrangement provided by the owner, for the preservation thereof, below the point at which they are so found, whether the same have thereon any brand or trade mark or not, shall be entitled to receive from the owner thereof a compensation for so much thereof as he shall deliver to such owner, as follows: For each freight boat or other heavy boat, ten dollars; for each jack boat, skiff or canoe, fifty cents; for each fleet of timber, ten dollars; for each raft of not less than forty logs, four dollars; for each platform of not less than ten logs, one dollar; for each saw-log or other log or tree prepared for sale, twenty-five cents; for each cross or railroad tie, six cents; for boards or planks caught in rafts or large bodies, one dollar per one thousand feet board measure for twenty thousand feet or less quantity; for over twenty thousand feet, fifty cents per one thousand feet, board measure; but if the same be not in rafts, but loose and scattered, four dollars per one thousand feet board measure; and for staves and heading, five dollars per one thousand pieces for all that are merchantable, to be paid by the owner thereof, if required, upon the delivery of the same to him. The taker-up shall have a lien upon the property taken up by him for said fees and for his charges as herein provided. If the owner of any such fleet, raft, platform, saw-log or other log or tree prepared for the purpose of sale, or any cross or railroad tie, board, plank, stave, heading or other timber prepared for market, shall fail to pay the sum chargeable thereon within sixty days from the day they are so taken up, they shall be sold at the instance of the person to whom such charges are due, by a constable or the sheriff of the county, in which the property was taken up, at the front door of the court house of such county, at public auction, to the highest bidder, upon thirty days' written or printed notice of such sale, giving the time and place of such sale and a description of the property and any marks, brands or trade marks thereon, posted at the front door of the court house in the county of such sale, and at two public places in the county where the property is located. It shall be the duty of the officer, making any such sale to pay to the taker-up his legal fees and charges, and after deducting his commission, which shall be the same as upon sales under execution, he shall pay the balance of any moneys arising from said sales to the clerk of the courts of the county in which such sales are made, and take his receipt therefor; and for any failure to perform his duties under this act, the constable or other officer shall be liable on his official bond to the party injured thereby. If the owner shall, within one year from the date of sale

Lien for such compensation.

appear before any such clerk of courts, to whom such money has been paid, or before any judge of such court, and establish his right to the same to the satisfaction of such clerk or judge, it shall be paid to such owner by said clerk, on the order of such judge; otherwise such clerk shall place the same to the credit of the distributable school fund of his county, and report the same and the amount thereof to the county auditor.

Any person who shall take any raft, fleet, or platform as herein provided, shall, in addition to the fees provided for in this act, be entitled to his reasonable compensation for keeping and caring for said property taken up by him, not exceeding the following rates: For each fleet, two dollars per day; for each raft, fifty cents per day; for each platform, twenty-five cents per day.

If any person shall take up any saw-log or other log or tree prepared for sale, as herein provided, and the same shall remain in his possession over thirty days, from the time of taking the same up before the owner thereof offers to pay the charges provided for in this act, he shall be entitled to charge in addition to the fees provided for the taking of the same up, twenty-five cents for every saw-log or other log or tree prepared for sale, kept in his possession as aforesaid.

SECTION 2. That said section 4364-60 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 254G

[House Bill No. 386.]

AN ACT

To further provide for the transfer of public funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county, infirmary directors of any county or municipality, the township trustees of any township, the board of education of any school district, the council or other board or body having the legislative power of any municipality and the trustees of any hamlet, shall have power to transfer the public funds under their respective supervision, from one fund to another, in the manner hereinafter provided, which shall be an additional procedure to all other now provided by law. Transfer of public funds.

SECTION 2. Whenever a majority of officers or of the members of any board aforesaid named desire to transfer any fund to any other fund, or to a new fund to be created, Petition to be filed in common pleas court.

under their respective supervision, and a resolution of such officers or board shall have been duly passed declaring the necessity therefor, such officers or board shall file a petition in the court of common pleas of the county in which such funds are held, in which shall be set forth the name and amount of the fund, and the fund or funds to which it is desired to be transferred, a copy of said resolution and a full statement of the proceedings pertaining to its passage, and the reason or necessity for such transfer, and upon such petition being filed, the petitioner shall cause notice of the filing of said petition, the objects and prayer thereof, and of the time when said petition will be for hearing, to be given by one publication in two newspapers, of opposite politics, having a general circulation in the territory to be effected by such transfer of funds, preference to be given to such newspapers as are published within such territory, but if there shall be no such newspapers published or having a general circulation within such territory, then such notice shall be given by posting the same in ten of the most conspicuous places within such territory for such period of four weeks: Said petition may be heard at the time stated in said notice, or as soon thereafter as it shall be convenient for the court to hear the same, but said cause shall be heard, upon request of the petitioners, in preference to all other cases on the docket. Any person or persons objecting to the prayer of such petition, shall file their objections in said cause on or before such time fixed in said notice for hearing, and they shall be entitled to be heard. If, upon the hearing, the court shall find that the notice has been given, as herein required, that the petition states sufficient facts, and that there are good reasons, or that a necessity exists for such transfer, and no injury will result by granting the prayer of such petition, it shall grant the prayer of the petition and order the petitioners to make such transfer, and a copy of the findings, orders and judgments of the court shall be certified by the clerk and spread upon the records of the officers or board who are petitioners, and upon the same being done such petitioners may make the transfer of funds as directed therein. And such petitioners shall pay all of the costs of such proceedings, except when objections are filed, the court may order such persons objecting to pay all or such portion thereof as may be just and equitable. Said petitioners or any person or any number of persons filing objections to such petition, may appeal said cause to the circuit court of said county, and the proceedings for such appeal shall be the same as provided for appeals from the common pleas to the circuit court in other cases, and when said cause shall be appealed, the circuit court shall have the same power and make the same orders and all proceedings therein shall be had, as herein provided for in the court of common pleas, except upon such appeal, the question of costs shall be within the discretion of said court; and such cause may be reviewed on error in the supreme court.

Notice of filing, etc.

Hearing and decree of court.

Costs.

Appeal.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 255G

[House Bill No. 127.]

AN ACT

Making an appropriation to pay deficiency in allowance of $100.00 for incidental expenses to company E, 2d regiment infantry, Ohio national guard, for the year 1899.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Co. E, 2d Reg. Inf., O. N. G.

SECTION 1. That there be and hereby is appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, $100.00 for incidental expenses of Co. E, 2d regiment infantry, Ohio national guard, to supply the deficiency caused by failure upon the part of the company commander and treasurer of said company to make requisition and receive the statutory allowance for the year 1899.

SECTION 2. The adjutant general of the state of Ohio is hereby authorized and required to issue a voucher to the commanding officer of Co. E, 2d regiment infantry, O. N. G., for a warrant upon the auditor of state for the above amount.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 256G

[Senate Bill No. 24.]

AN ACT

To amend sections 6960, 6961, 6963, 6964, 6965, 6966, 6967, 6968 and 6968*a*, and to enact supplementary sections 6960*b* and 6967*a*, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That sections 6960, 6961, 6963, 6964, 6965, 6966, 6967, 6968, and 6968*a*, of the Revised Statutes, be amended so that they shall read as follows:

Catching, killing, injuring or pursuing birds; possessing or destroying eggs, nests or young of certain birds.

Sec. 6960. No person shall at any time, catch, kill, injure, pursue, or have in his possession either dead or alive, or purchase or expose for sale, transport or ship within or without the state any dove, sparrow, nuthatch, warbler, flicker, viroe, wren, American robin, cat-bird, tanager, bob-olink, blue-jay, oriole, grosbeak or red bird, creeper, red-start, wax-wing, wood-pecker, humming-bird, killdeer, swallow, blue-bird, meadow-lark, bunting, starling, red-wing, purple-martin, brown-thrasher, American gold-finch, chewink or ground-robin, pewee or phœbe bird, chickadee, fly-catcher, gnat-catcher, mouse-hawk, whipporwill, snow-bird, titmouse, gull, eagle, or buzzard, or any other wild bird other than a game bird. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale except as permitted in section 6960*a*. No person shall at any time disturb, or destroy the eggs, or nests, or young, of any of the birds named in this section. Provided, that nothing in this section shall prohibit the killing of the chicken-hawk, blue-hawk, crow, great horned owl, or English sparrow at any time, except on the first day of the week known as Sunday, by anybody, or destroying of their nests.

Catching, killing, injuring, or pursuing game, destroying eggs, nests or young; hunting, shooting, trapping, etc.

Sec. 6961. No person shall, within this state, catch, kill, injure, or pursue with such intent, any quail, or wild turkey, except between the tenth day of November and the first day of December, inclusive; or any woodcock, or squirrel, except between the first day of August and the first day of September, inclusive; or any rabbit by the aid or use of any gun, except between the tenth day of November and the first day of December, inclusive; or any rail, plover or snipe, except between the tenth day of November and the first day of December inclusive, and between the tenth day of March and the twentieth day of April inclusive; or any wild duck, wild goose, wild swan, coot, or mud hen, upon the lakes, bays, and reservoirs of the state, including Lake Erie and its bays, Buckeye and Indian lakes, except between the first day of September and the fifteenth day of December inclusive, and between the fifteenth day of March and the twentieth day of April inclusive upon any waters of the state of Ohio. No person shall at any time catch, kill, injure or pursue, any of the birds, game or animals mentioned in this section by the aid or use of any trap, net or snare, or disturb, or destroy, any of the nests, or eggs, or young thereof; nor catch, kill, injure or pursue any wild duck, or other water-fowl named in this section by the aid or use of any gun except a common shoulder gun, or with the aid of or from any sink boat, sneak-boat, or battery, or by the aid or use of any boat whatsoever, except a common row boat propelled by oars. No person shall catch, kill, injure, or pursue, any wild duck, or other water-fowl on Sunday or Monday of any week; nor catch, kill, injure, pursue, or shoot at, any such water-fowl before sunrise or after sunset of any day upon which it shall be lawful to kill the same. No person shall hunt, shoot, or trap, or have

in his possession in the open air for such purpose, any of the implements for hunting, shooting, or trapping, on any Sunday. No person shall kill in any one day more than eighteen quail, woodcock, geese, plover, or snipe; nor more than twenty-five duck; nor more than ten squirrel; nor more than six pheasant, prairie chicken, or grouse; and no person shall shoot at any quail except when they are flying. Nothing in this section shall be held to prohibit the keeping of squirrels or rabbits as pets, or prohibit the killing of squirrels or rabbits, at any time, by the owner or authorized agent only of any premises whereon they may be found injuring grain, berries, fruit, vegetables, trees or shrubbery.

Injurious squirrel or rabbit.

Sec. 6963. No person shall catch, kill, injure, or pursue, any prairie chicken, ruffed grouse, Mongolian pheasant, English pheasant, ring-neck pheasant, or other pheasant, before the tenth day of November 1904, or after that date, except between the tenth day of November and the first day of December, inclusive; nor at any time catch, kill, injure or pursue any of the birds named in this section by the aid or use of any trap, net, or snare; nor at any time disturb or destroy the nests, or eggs, or young of any bird named herein.

Catching, killing, injuring or pursuing prairie chicken or pheasant.

Sec. 6964. No person shall buy, sell, expose for sale, offer for sale, or have in his possession, any of the birds, game, or animals mentioned in sections 6961 and 6963, Revised Statutes, during the time when the killing thereof is made unlawful; nor take, catch, kill, or pursue, any such birds, game, or animals for the purpose of sale within this state, or for the purpose of sale or shipment beyond the limits of this state; nor buy, sell, expose for sale, offer for sale, or have in possession, any such birds, game, or animals which have been killed within this state for the purpose of sale, or in a manner prohibited. No person shall receive for transportation, or shall transport, or cause to be transported, or shall have in his possession with the intent to transport, or to secure the transportation beyond the limits of this state, of any of the birds, game, or animals mentioned in sections 6961 and 6963, Revised Statutes, which have been killed within this state; and each bird, fowl, or animal, so killed, taken, had in possession, received for transportation, or transported, contrary to the provisions of this section, shall constitute a separate offense. The reception by any person within this state of any such birds, game, or animals, for shipment to a point without the state, shall be prima facie evidence that they were killed within this state for the purpose of conveying the same beyond its limits. But the provisions of this section shall not apply to a common carrier into whose possession any of the birds, game, or animals mentioned in said sections 6960, 6961 and 6963 shall come in the regular course of their business, for transportation, while they are in transit through this state from any place without the state, where the killing of such birds, game, or animals, may be lawful. Provided, that nothing herein shall prohibit persons from having in

Unlawful to purchase, sell, expose or possess certain birds or game.

Exceptions.

possession, in enclosures, for the purpose of domestication or propagation, any of the birds or animals mentioned in sections 6961 and 6963, Revised Statutes, nor shall anything herein apply to rabbits. And nothing in this section shall prohibit any person from having in possession any ruffed grouse, or prairie chicken, between the tenth day of November and the first day of December, inclusive, of any year prior to 1904, if such birds have been killed lawfully without this state. But in case of the prosecution of any person for having in his possession any such birds prior to the year 1904, it shall be necessary for him, in order to secure an acquittal, to prove that such birds, so found in his possession, were killed lawfully without this state.

Catching, killing, injuring or detaining carrier pigeon.

Sec. 6965. It shall be unlawful for any person not the owner, to in any manner, catch, kill, injure, or detain, any Antwerp or homing pigeon, commonly called "carrier" pigeon, which, at the time of its capture or detention shall have stamped upon its wing or tail the name of its owner, or which shall have upon its leg a band bearing the name or initial of its owner, or its number, or any other mark upon it designating it as a "carrier" pigeon. It shall be unlawful for any person to catch, kill, or injure, or pursue with such intent, or to discharge any fire-arms at, any wild pigeon while on its nesting ground, or while at or within one-half mile of its roosting place; or to disturb in any manner any pigeon roost or nesting place, or the eggs, or nests, or nestlings of any wild pigeon.

Wild pigeon.

Hunting or trapping on lands, etc., of another without permission.

Sec. 6966. It shall be unlawful for any person to hunt, or trap upon the lands, ponds, lakes, or private waters of another (except waters claimed by the riparian right of ownership of adjacent lands), or to thereon shoot, shoot at, catch, kill, injure, or pursue, any bird, wild fowl, or wild animal of any kind, without first obtaining the written permission from the owner, or his authorized agent. In all prosecutions under this section, the complainant shall not be required to prove a legal title to the lands or waters upon which the defendant has so unlawfully hunted or trespassed, but it shall be sufficient if he prove that he is in the lawful possession or control thereof. Whoever violates any provision of this section shall be fined not less than ten dollars nor more than fifteen dollars for a first offense, and not less than fifteen nor more than fifty dollars for any subsequent offense, and in default of payment of fine and costs, shall be imprisoned as provided in section 409*e*, Revised Statutes.

Transportation of birds, fish and game.

Sec. 6967. It shall be unlawful for any person within this state to deliver or to receive for transportation, any package, box, or other receptacle containing birds, fish, or game, unless the same shall be labeled on the address side, in plain letters, with the name and address of the owner or consignor, and with the kind of birds, fish or game, which the said package, box, or other receptacle contains, or to falsely label the same; or to deliver, or to receive for transportation, or to transport, any birds, fish, or game, which

have been killed, taken, or are had in possession, in violation of law. It shall also be unlawful for any person to refuse, upon demand, to permit any warden to inspect, or open, any package, box, or other receptacle, or any room, building, boat, or other place, in the control or possession of such person, which the said warden shall have good reason to believe to contain birds, fish, or game killed, taken or had in possession, in violation of law, if upon an inspection under a search warrant issued as provided in section 409*f*, Revised Statutes, the same shall be found to contain, or to have contained, any birds, fish, or game, killed, taken, or had in possession in violation of law.

Unlawful catching and killing of fish.

Sec. 6968. No person shall draw, set, place, locate, or maintain any pound-net, trammel-net, fyke-net, set-net, seine, fish-trap, or any other net or device for catching fish in any of the waters, either natural or artificial, within this state, nor catch, or kill fish with any device whatever, in any such waters, except with hook and line, with bait or lure. No person shall take or catch in any of the reservoirs of the state, or in Buckeye lake, or Indian lake, any fish with what are known as trot-lines, bob-lines, set-lines, or float-lines. No person shall in any of the waters of the state, natural or artificial (including Buckeye lake, Indian lake, Grand or Loramie reservoirs), take or catch in any manner any sunfish known as the blue gill and common sunfish or black bass between May first and June first inclusive. No person shall in any of the waters of the state (including Buckeye lake and Indian lake, Grand or Loramie reservoirs), while such waters are frozen over, covered with or partly covered with ice, catch any fish, in any manner, through any hole cut in the ice, or through any fissure, crack, or break therein. No person shall buy, sell, offer or expose for sale, or have in his possession for the purpose of sale, any black bass that has been caught in any of the rivers, creeks, or reservoirs, of the state, or in Buckeye lake or Indian lake; nor buy, sell, offer for sale, or have in his possession, any fish caught in any such waters out of season or in a manner prohibited; nor catch, take, or have in possession, any bass less than nine inches in length (measurements to be made from end of nose to end of tail). No person shall catch, or kill any fish by the use of dynamite, or any other explosive material, or by the use of any poisonous drug, bait, or food. No person shall catch, kill, offer for sale, sell, buy, or have in his possession, any brook trout, speckled trout, Von Behr or brown trout, land-locked salmon, or California salmon, except between the fifteenth day of March and the fifteenth day of September, inclusive. No person shall catch, or pursue, any turtle by the aid or use of any seine, or net, except a single seine, or net, the meshes of which are not less than five inches by five inches in dimension. Provided, that nothing in this section shall prevent the taking of minnows for bait with a minnow seine not exceeding six feet in length; nor prevent the commissioners of fish and game, or their authorized officers or

agents from taking fish at any time or place, or in any manner, for the purpose of stocking ponds, lakes, or rivers, or for the maintenance or propagation of fish in hatcheries, or for the extermination of carp in any waters; nor shall anything herein prevent the taking of fish in any manner in the ponds or lagoons formed by the receding waters of running streams when such ponds or lagoons no longer have any connection with the channels of such streams. And nothing in this section shall apply to Lake Erie, or to any of the estuaries, or bays thereof, or shall apply to private artificial fish ponds or privately owned lakes. Whoever violates any provision of this section, or any provision of sections 6960, 6960*a*, 6961, 6963, 6964, 6965, 6967 or 6967*a*, of the Revised Statutes, shall be fined not less than twenty-five dollars nor more than two hundred dollars, and costs of prosecution and in default of payment of fine and costs, shall be imprisoned as provided in section 409*e* Revised Statutes.

Penalty for violation of this act.

Trespassing on lands bordering on fish ponds, etc., for purposes of catching fish.

Sec. 6968*a*. Whoever shall trespass upon the lands, or rights in lands, located within this state, belonging to any person, and lying in or bordering upon any natural or artificial pond or brook less than ten miles in length, into which have been introduced brook trout, speckled trout, brown trout, land-locked salmon, California salmon, or any other fish, by the means known as artificial propagation, or by actual importation from other waters, for the purpose of fishing for, or catching, or killing fish, or shall in the waters of such pond or brook catch or kill fish; or whoever shall buy, receive, or have in his possession any fish caught contrary to the provisions of this section; or whoever shall wilfully place any poison or other substance injurious to the health of fish, in any pond or brook described in this section, for the purpose of capturing or harming any fish therein; or whoever shall wrongfully and wilfully let the water out of any such pond or brook, with intent to take or injure any fish therein, shall, in each such case, be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars for a first offense, and for a subsequent offense, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than six months, or both. Prosecutions for a violation of any provision of this section shall be instituted only upon the complaint of the person or persons, or their agents, upon whose lands, or rights in lands, or waters, the trespass has been committed.

Penalty.

SECTION 2. That supplementary sections 6960*b*, and 6967*a*, be enacted to read as follows:

Manual for Arbor day exercises to contain copy of Sec. 6960, Revised Statutes; distribution thereof.

Sec. 6960*b*. It shall be the duty of the state commissioner of common schools to issue annually a manual for Arbor day exercises, as soon as possible after the governor has set apart a date for said day, as prescribed by the act of March 5, 1902, which manual, in addition to matters pertaining to forestry and the protections of birds, shall con-

tain a copy of section 6960 of the Revised Statutes of Ohio. Said state commissioner of common schools and the commissioners of fish and game shall, annually, transmit copies of said manual to the superintendents of city, village, special district and township schools and clerks of the boards of education, who shall cause the same to be distributed to the teachers of the schools under their charge. It shall be the duty of the teachers to cause to be read to the pupils of their respective schools, on the day fixed by the governor as Arbor day, and also on such other days during the year as may be convenient and proper, said section 6960, and to urge and encourage them to aid in the protection of the song and insectivorous birds named in that section.

Non-residents of state required to secure hunter's license; fee therefor, etc.

Sec. 6967*a*. On and after May 1, 1902, a person who is a non-resident of the state of Ohio, and who desires to hunt in said state, shall make application for a hunter's license to the clerk of courts of the county in which he desires to hunt; and for such license he shall pay a fee of twenty-five dollars; and in addition thereto, the clerk of courts may charge the applicant a fee of twenty-five cents. Every such license shall expire on the 15th day of December next after its issue, and shall entitle the person to whom it is issued to hunt within this state, at such times, and in such manner, as may be lawful, until the expiration of his license. The forms of license herein required shall be prepared by the commissioners of fish and game, and shall be in such form as they may order, which license shall be issued by the clerk of courts. The commissioners of fish and game shall furnish all licenses and other blanks required under the provisions of this section; which forms shall be approved by the attorney general of Ohio. The commissioners of fish and game may revoke the license of a non-resident upon satisfactory proof that such person has hunted in violation of law; and no license shall be granted to a person whose license has been revoked, for a period of one year thereafter. The clerk of courts shall keep a record of each license issued, in a book to be furnished him by the commissioners, and shall make a report to them on the last day of each month, in such form as they shall require, of the number of licenses issued, and shall transmit, with such report, to the president of the commissioners of fish and game, the moneys received during the month for such licenses, which moneys shall be paid into the state treasury to the credit of a fund, which is hereby appropriated, for the use of the commissioners of fish and game, to pay the salaries and expenses of district wardens. Every such non-resident person shall, when hunting, carry with him his license, and shall, upon demand, exhibit it to any warden or police officer, and a refusal to so exhibit his license shall constitute an offense under this section. The record of licenses kept by the clerk of courts shall be open at all reasonable hours to the inspection of any person. Each day that any non-resident person shall hunt, within this state, without first having procured the license herein required,

Revocation for violation of law.

shall constitute a separate offense. The license granted hereunder shall entitle a non-resident to take with him from the state all game and birds killed by him; but of the birds so killed by him, he shall not be permitted to take from the state more than fifty of all kinds, in any one week.

Repeals, etc.

SECTION 3. That the following sections of the Revised Statutes, and acts and parts of acts of the general assembly of the state of Ohio, be, and the same are hereby repealed:

(1.) Revised Statutes, sections 6960, 6961, 6963, 6964, 6965, 6966, and 6967.

(2.) Revised Statutes, section 6968, as amended April 16, 1900 (94 O. L., 320), and section 6968, as amended April 16, 1900 (94 O. L., 349).

(3.) Revised Statutes, section 6968*a*, as enacted April 5, 1888 (85 O. L., 157), and section 6968*a*, as enacted March 24, 1892 (89 O. L., 141).

(4.) An act to encourage fish culture, and to prevent the catching of fish in certain ponds and streams of Ohio, passed April 14, 1882 (79 O. L., 94).

(5.) An act to prevent the use of seines or set-nets for catching fish in the Lewiston reservoir for a period of five years, passed April 12, 1892 (89 O. L., 245).

(6.) An act "For protection of carrier pigeons," passed April 23, 1898 (93 O. L., 218).

(7.) An act to supplement and amend section 6968 of the Revised Statutes of Ohio, passed April 19, 1894 (91 O. L., 153).

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 257G

[House Bill No. 1023.]

AN ACT

To supplement section 1655 and 1708 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Legislative power in municipalities:

SECTION 1. That sections 1655 and 1708 of the Revised Statutes of Ohio respectively be supplemented with sectional numbers 1655*c* and 1708*d* to 1708*l* as follows:

Toledo board of aldermen.

Sec. 1655*c*. In cities of the third grade of the first class, the legislative power and authority shall be vested in a board of aldermen, in lieu of the common council as now provided by law, which shall consist of as many members as there are wards in any such city respectively; if the same be

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divided into wards, and if any such city shall not be divided into wards, said board of aldermen shall consist of fifteen members; and in any event except as hereinafter provided, they shall be elected for the term of two years, and their successors shall be elected at the end of each successive period of two years. At the first municipal election, except as hereinafter provided, in any such city after the passage of this act, there shall be elected by the qualified electors of each ward in such city, one member of the board of aldermen, provided for in this act, if any such city be divided into wards: otherwise, they shall be elected at large by the qualified electors of such city. At such first election if the city be divided into wards, the members to be elected from wards of even number shall be elected for one year, and those from the wards of odd numbers for two years, and thereafter their successors shall be elected for two years. But at such first election if such city is not divided into wards, eight of the aldermen shall be elected for one year, and seven for two years. And in accordance therewith the mayor in his proclamation shall designate the number to be elected for one year and the number for two years, and thereafter their successors shall be elected for two years. Provided, however, that members of the board of aldermen in office in any such city shall remain in office until the expiration of their terms of office respectively, and their successors shall be elected as members of the board of aldermen herein provided for and for the term of two years; and provided further in any such case at said first election there shall be no election of members of the board of aldermen aside from the successors to those in office, whose terms then expire, and after said first municipal election all members of the board of aldermen shall serve as members of the board herein provided for. Upon the organization as herein provided for, of the board of aldermen after the first municipal election after the passage of this act, the board of councilmen shall have no further powers, and the office of councilman therein shall be abolished, and the terms of any councilman or councilmen then in office shall cease and determine. When a new ward is created, the mayor in his proclamation shall give notice to the electors that at the next municipal election they shall vote in such ward for one member of the board of aldermen for two years, from that ward, and thereafter his successors shall be elected for two years.

The board of aldermen herein provided for, upon its organization, as herein provided for shall have all the powers and perform all the duties now conferred by law on the common council of such cities, so far as the same is applicable and not inconsistent with the provisions hereof, and the words "common council" and the word "council," when used in the Revised Statutes of Ohio affecting cities of the third grade of the first class, shall be held to mean and include the words "board of aldermen" and "aldermen." Every member of such board herafter elected shall be not less than twenty-five years of age, and shall have been a cit-

Toledo board of aldermen.

izen of the state four years, and a resident of such city and ward, if the same be divided into wards, for one year next preceding the date of his election; and said board of aldermen herein provided for shall be subject to the further provisions, as follows:

No member of such board shall be directly or indirectly interested in any contract with such city or any department or institution thereof, nor shall any such member during the term for which he is elected hold any other public office, appointment or employment except that of notary public or member of the state militia. Any member who shall, at any time during his term, cease to possess any of the qualifications mentioned in this section, shall thereby forfeit his office and the same shall immediately become vacant and be filled as hereinafter provided. Such vacancies shall be declared by the board, and all vacancies which may occur in the board of aldermen from any cause whatsoever shall be filled in the manner prescribed by law. The members shall within ten days after each municipal election meet and organize the board, and the mayor, or in his absence the clerk, shall call to order the members-elect and the members holding over, and as the members-elect are called each shall present his certificate and take the required oath or affirmation, and a majority of the members elected to said board shall constitute a quorum for the transaction of business; but a smaller number may adjourn, from time to time, and compel the attendance of absent members. The board shall annually elect a president and a vice-president from its own members, and shall at the expiration of the term of the city clerk also elect a city clerk who shall be the clerk of the board, and shall perform such services as are or may be prescribed by law and ordinance, resolution or order of the board of aldermen. It shall provide the necessary assistant clerks, and fix the compensation of them and the city clerk. It shall be the duty of the president to preside at all meetings, but in his absence the vice-president shall preside, and in the absence of both officers a president pro tem. shall be elected, and all officers elected by the board shall be elected viva voce.

The said board shall meet in the chamber of the board in regular meetings, at least twice each month, on such days as it may select. The mayor or any three members of the board may call a special meeting of the board by notice to each member served personally or left at his usual place of business or abode, at least twenty-four hours prior thereto. No meeting of the board shall begin before six o'clock p. m., unless it shall be otherwise provided by a vote of at least four-fifths of all the members elected to the board. Each member of the board who is present during the entire session of any regular meeting and not otherwise shall be entitled to receive ten dollars for his attendance and shall receive no other compensation whatsoever, nor shall he receive compensation for more than three meetings in any one month.

Toledo board of aldermen.

The board shall determine its rules of proceedings, be the sole judge of the qualifications and election of its members, and keep a journal of its proceedings, and may punish or expel any member for disorderly conduct or violation of its rules, or declare his seat vacant by reason of absence without valid excuse, where such absence is continued for the space of two successive months, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have opportunity of being heard in his defense. At any meeting of the board any member shall have the right to call for the ayes and nays on any question before the board including the motion for adjournment. Every legislative act of the board shall be by ordinance, resolution or order, and the votes of a majority of all the members elected to the board shall be necessary to pass the same; and the vote on every ordinance, resolution or order relating to the expenditure of money, or for the granting of a franchise, or creating a right, or for the purchase, lease, sale, or transfer of property, shall be taken by aye and nay vote, and entered in the journal of the board. Every ordinance, resolution and order shall be distinctly read at three regular meetings before such vote is taken, and said board, except by a four-fifths vote of the members elected, shall have no power to dispense with any of such readings, and every such ordinance, resolution and order shall, before it takes effect, be presented duly certified by the clerk to the mayor of the city for approval. The mayor, if he approve such ordinance, resolution or order, shall sign it, but if he does not approve it, he shall return it with his objections to the board within ten days thereafter, or if the board is not in session, at its next meeting thereafter, which objections the board shall cause to be entered in full on its journal; provided that the mayor may affirm the whole or any item or part of such ordinance, resolution or order presented to him for his signature; and provided further, that any item or part disapproved shall have no bearing on or connection with any other part of such ordinance, resolution or order. If he does not return the same in the time above limited, it shall take effect in the same manner as if he had signed it. When the mayor refuses to sign any such ordinance, resolution or order, or part thereof, and returns it to the board with his objections, the board shall at its next regular meeting, proceed again to consider the same, and if such ordinance, resolution or order is approved by the vote of two-thirds of all the members elected to the board, it shall then take effect as if it had received the signature of the mayor. In all such cases the vote of the board shall be determined by ayes and nays, and the names of the persons voting for or against the adoption of any such ordinance, resolution or order, shall be entered in the journal of the board.

Toledo board of administration.

Sec. 1708*d*. In cities of the third grade of the first class there shall be a board of administration composed of three members, electors of such city, who shall at the first

Toledo board of administration.

municipal election in such cities following the passage of this act, be elected by the electors of such city, one for a term of one year, one for a term of two years, and one for a term of three years, and who shall hold their offices until their successors have been respectively elected and qualified. At the expiration of the said terms of said members respectively their successors shall be elected for terms of three years, and the terms of the members of said board shall thereafter be three years. Any person elected as a member of said board shall qualify within ten days after his election; his term of office shall then begin, and any vacancy in the term of any member shall be filled by election by a majority of the board of aldermen of such city for the unexpired term.

Sec. 1708*e*. Each member of such board shall give bond in the sum of twenty-five thousand dollars to the approval of the city solicitor and the board of aldermen as to form and sufficiency endorsed thereon, conditioned for the faithful performance of his duties, with at least three sureties who together shall qualify in writing, under oath, to twice the amount of such bond, which oath shall be filed with such bond and each of such members shall take and subscribe an oath of office which shall be endorsed on his bond, to support the constitution of the United States and of the state of Ohio, and in his official actions and judgments to aim only to secure and maintain an honest and efficient administration of public affairs. Such bond may be signed by an approved surety company as sole surety if authorized to do business in the state of Ohio.

Sec. 1708*f*. The members of the board shall devote their entire time and attention to the duties of the office, and shall each receive a salary of three thousand dollars per annum, payable in monthly installments, and no expenses or other compensation shall be allowed.

It shall be the duty of the board of aldermen of such cities to provide suitable and necessary offices for such board.

The board of administration shall supervise the cleaning, repairing and improvements of the streets, avenues, alleys, lanes, public wharves and landings, market houses and spaces, bridges, sewers, drains, ditches, culverts and sidewalks, and the lighting of all such public places as may be deemed necessary within the corporation. For the convenience of the board, any such city may be divided by it into three districts for the purpose of supervision as above stated, and each member of said board may give his personal attention to one of said districts.

The board shall exclusively have all the powers and perform all the duties which in cities of the third grade of the first class are vested in and imposed upon boards of park commissioners, boards of workhouse directors and boards of trustees of cemeteries, as provided in the chapters of this title relating to those matters, and shall be governed

by the rules prescribed by law relating to such cities for the government of those boards, when not inconsistent with the provisions of this act. Toledo board of administration.

After the qualification of the board of administration herein provided for, there shall be no election or appointment in any such cities of members of the board of workhouse directors, the board of park commissioners, or trustees of the cemeteries under this title, and those several offices shall be deemed abolished upon the qualification of the members of the board of administration in any such city, as provided for in this act.

Whenever any contract shall be entered into by any such city through its board of aldermen, or any officer or any board, including the board of administration, it shall be the duty of the board of administration to see that such contract is fully and completely complied with by the party so contracting with such city; and all contracts to which such city shall be a party through the board of aldermen or any officer or board of said city, including the board of administration, shall be executed by two members of the board of administration in the name of the city, and shall be witnessed by the clerk of said board, and shall be filed in the office of this board.

Sec. 1708*g*. No improvements or repairs shall be ordered or directed by the board of aldermen or contract let in any such city for any street, avenue, alley, lane, public wharf or landing, market house or space, bridge, sewer, drain, ditch, culvert or sidewalk, except on the recommendation of the board of administration, and all petitions for improvements or otherwise from owners of property shall be presented to this board who shall report their recommendations from time to time to the board of aldermen when any such improvement or repair or other matter petitioned for is necessary or proper, and in any cases where assessments are to be made, where the estimated cost of any work or material exceeds five hundred dollars, the board shall transmit to the board of aldermen with its recommendation a resolution or ordinance, as the case may be, authorizing the execution of such work or the purchase of such materials or letting of such contract, at a cost not to exceed the amount of the estimate which shall be transmitted. And thereupon the board of aldermen shall proceed with such improvement or repairs in the manner prescribed by law: provided, however, that before such board of administration shall so recommend any improvements, by paving or otherwise, of any street, avenue, alley, lane, public wharf and landing, or market house or space, the cost and expense of which are to be levied upon the abutting property, such board of administration shall make or cause to be made, an inspection of the property so abutting upon said proposed improvements, with a view of determining whether or not said property is of sufficient value to bear

Toledo board of administration.

such proposed assessments under the law relating thereto in such cities.

All bids for any construction, improvement or repair of any kind in any such cities shall be opened and the contract awarded in the presence and under the supervision of this board, who shall have the right to concur in such award or reject all bids.

Sec. 1708*h*. The board shall have the power to and shall inspect the books and accounts and all affairs of each and every officer and board of such city once in each year, and at such time of the year as the board of administration may elect, and it shall at once report the result of its findings to the board of aldermen and publish the report in two newspapers in the city, of different political party faith, and said board in their discretion may publish said report in a paper published in the German language, if such paper there be, and all advertising by the city shall be made by said board of administration in the manner provided above for publishing said report and the board of aldermen shall have the right to and shall require the board of administration to submit to it a detailed statement concerning any matter concerning which the board of aldermen may desire information relative to the conduct of the affairs of any board or officer in such city, including the board of administration.

Sec. 1708*i*. The board may employ one chief superintendent of streets and one chief civil engineer for such city, and such assistant superintendents, assistant engineers and such clerks, laborers and other persons as it may deem necessary for the execution of its duties, and fix their salaries and compensation; except that the salary of such chief superintendent shall be two thousand dollars per annum, and of said chief engineer two thousand five hundred dollars per annum payable in monthly installments, and the salaries of such assistant superintendents and engineers and such clerks and laborers as are appointed for a definite time shall be fixed within limits prescribed by the board of aldermen and any of such persons in chief or otherwise, may be removed by the board of administration at any time.

Upon the expiration of one year after the first election and qualification of the board of administration in any such city the offices of civil engineer and street commissioner respectively, as provided in section 1708 of the Revised Statutes of Ohio relative to such cities, shall be abolished and the term of any such officer or either of them then in office shall cease and determine.

The board of administration, through superintendents of streets and engineers to be appointed by it as above provided herein, shall exclusively have all the powers and perform all the duties prescribed for street commissioners and civil engineers by the laws relating to such cities, not inconsistent with the provisions of this act, after said

offices shall stand abolished as above provided, and until such time said board shall have such power through the street commissioner and civil engineer, if any such officers there be, and such superintendents, civil engineers, clerks, and other persons as it may appoint under this act. Toledo board of administration.

Sec. 1708*j*. The board may adopt such rules and regulations for its government as it may deem necessary and expedient to effect the purpose of its organization not inconsistent with the ordinances of the corporation or constitution or laws of the state.

It shall hold daily meetings and two members shall constitute a quorum for the transaction of business; the ayes and nays shall be called and entered upon the journal upon the passage of every resolution or order of any kind, and no resolution or order shall be adopted unless two votes are recorded in its favor.

The offices of this board shall be open from 8 o'clock A. M. to 5:30 o'clock P. M. of each day, Sundays and legal holidays excepted, for the transaction of business.

The board may appoint a clerk whose duty it shall be to attend all meetings of the board and keep a complete journal of all its proceedings, orders and resolutions, which journal shall be open at all times for public inspection; a copy from its records certified by the clerk shall be competent evidence in all courts, but a separate journal and record and a separate account shall be kept touching all matters connected with the control of the workhouse, parks and cemeteries respectively of such cities; it shall also be the duty of the clerk to perform such other duties as the board shall require, and he shall receive such compensation as the board of aldermen, upon the recommendation of the board of administration, may determine.

The city solicitor shall be the legal adviser of this board and all contracts, resolutions, ordinances, orders, bonds and all other legal papers recommended, executed or directed by this board or the board of aldermen or any other board or officers, shall be drawn by the city solicitor or approved by him before the same shall be acted upon in any manner by the board of aldermen, or any other board or officers.

The members of this board shall have seats in the board of aldermen and be entitled to take part in its proceedings and deliberations on all questions relating to matters under their charge, but without the right to vote, and one of the board may be compelled to attend every meeting of the board of aldermen in the same manner as the members of the board of aldermen.

Sec. 1708*k*. Sections 2213, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2224*a*, 2224*b*, 2225, 2226, 2227, 2228 and 2231-1 are hereby made applicable to cities of the third grade of the first class, and to the boards of administration thereof, the same as though said sections were herein repeated. Repeals.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 258G

[House Bill No. 880.]

AN ACT

To supplement section 2834*c* of the Revised Statutes of Ohio (93 O. L., 172), with section 2834*c*-1.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2834*c* of the Revised Statutes of Ohio (93 O. L., 172) be supplemented with section 2834*c*-1, to read as follows:

Contract entered into under unconsti utional act; confractor shall be paid fair and reasonable value for labor, material and supervision.

Sec. 2834*c*-1. Whenever, in the circumstances named in said section 2834*c*, the commissioners of any county have entered into contracts with architects or builders for the supply of labor, materials or supervision for the construction of any improvement or building upon the land purchased by such county commissioners, in the circumstances named in said section 2834*c*, and such labor, materials and supervision have been furnished, in whole or in part, and thereby such improvement of building has been wholly or partially erected on such land and such county has received and retains the benefit thereof, such commissioners are hereby authorized, empowered and required to pay upon such contracts the fair and reasonable value of such labor, materials and supervision, provided always that the amount so paid shall not exceed the price named in such contracts less any and all payments that may have been made thereon, and less any set-offs or counter-claims that may exist in favor of said commissioners and against such contracting parties; and provided, further, that the title to such land and buildings shall be, and the same hereby is, confirmed and established in such county commissioners, and such land and buildings may be devoted to any county purpose, or, in case, in the opinion of such county commissioners, the same are not needed for such purpose, they may be sold by such commissioners and the proceeds applied to any county purpose; and provided, further, that such county commissioners, in case they deem it for the best interests of the county, may borrow the necessary money to pay the amount found to be owing upon such contracts and issue their negotiable promissory notes therefor extending over a period of not exceeding ten years, and drawing interest not to exceed five per centum per annum payable semi-annually, and may levy

Title to land and building confirmed in county commissioners.

Use of county building.

Bonds may be issued and tax levied.

a tax upon all the taxable property in such county to pay such promissory notes and interest as they become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 259G

[House Bill No. 366.]

AN ACT

For relief of Thomas J. Hamilton, private of company E, eighth regiment infantry, Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

For relief of Thomas J. Hamilton.

SECTION 1. That the auditor of the state of Ohio be and he is hereby authorized and required to issue his warrant on the state treasury, payable out of the general revenue fund not otherwise appropriated, to the trustee appointed by the probate judge of Ashland county, Ohio, for the Thomas J. Hamilton, a private in company E, eighth regiment infantry, Ohio national guard on the certificate of appointment presented by said trustee, for the sum of twelve hundred dollars ($1200); the same to be expended by said trustee as follows: viz, to Dr. F. V. Dotterweich the sum of twenty-five dollars ($25.00), to Dr. L. B. Ash the sum of fifty dollars ($50.00), to Mrs. Nancy Hamilton the sum of fifty-two dollars and fifty cents ($52.50), the sum of nine hundred dollars ($900.00) to be expended by said trustee in the purchase of real estate suitable for use as a home for said Thomas J. Hamilton and his family, the title of such real estate to be taken in the name of the trustee as such. Such real estate to be held by such trustee or his successor for the use, occupation, and benefit of said Thomas J. Hamilton and his wife, Minnie Hamilton, for and during their natural lives, and for and during the natural life of the survivor of said Thomas J. Hamilton and Minnie Hamilton. At the death of both said Thomas J. Hamilton and Minnie Hamilton, his wife, the title to said real estate so held in trust for their use, occupation and benefit shall pass to and vest in the heirs of the body of said Thomas J. Hamilton, and said trustee or his successor, shall then transfer the title of said real estate to such heirs; but if there should be no heirs by direct issue of said Thomas J. Hamilton, the property shall revert to the state of Ohio. The remainder of said fund of $1200.00 to be expended by said trustee in furnishing said home; the same to be payment in full to the said Thomas J. Hamilton of all claims against the state, and the said Dr. F. V. Dotterweich, Dr. L. B. Ash, and Mrs. Mary Hamilton to receipt in full to said Thomas J.

Hamilton upon such payment by said trustee, said probate judge and trustee to perform the duties aforesaid without compensation.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 260G

[Senate Bill No. 172.]

AN ACT

To amend section thirty-two hundred and fifty-six (3256) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations, etc.:

SECTION 1. That section 3256 of the Revised Statutes of the state of Ohio be and the same is hereby amended so as to read as follows:

May borrow money on bond and mortgage.

Sec. 3256. A corporation may borrow money, not exceeding the amount of its capital stock, and issue its notes or coupon or registered bonds therefor, bearing any rate of interest authorized by law, and may secure the payment of the same by a mortgage of its real or personal property, or both; and a private corporation may purchase, or otherwise acquire, and hold shares of stock in other kindred but not competing private corporations, whether domestic or foreign, but this shall not authorize the formation of any trust or combination for the purpose of restricting trade or competition.

May purchase stock in other companies.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 261G

[Senate Bill No. 265.]

AN ACT

To amend section 2505*e*, as passed April 19, 1898, (O. L., vol. 93, page 139), of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Railways in corporate limits:

SECTION 1. That section 2505*e*, as passed April 19th, 1898 (O. L., vol. 93, page 139) of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 2505*e*. Any corporation or company maintaining and operating a street railroad, or a railroad operated by electricity, may lease or purchase all the property, real, personal and mixed, and all the franchises, rights and privileges of any company organized for the purpose of supplying electricity, or natural or artificial gas, or both electricity and natural or artificial gas, for power, light, heat or fuel purposes, or which has been engaged in such business in whole or in part in any municipality within this state, the latter being hereby vested with corresponding power to let or sell, upon such terms and conditions as may be agreed upon between the corporation and company. No such lease or purchase shall be perfected until a meeting of the stockholders of each of the companies has been called for that purpose by the directors thereof, on thirty (30) days' notice to each stockholder at such time and place and in such manner as is provided for the annual meetings of the companies and the holders of at least two-thirds of the stock of each company in person or by proxy, at such meeting, or at any properly adjourned meeting assent thereto. Provided, that any stockholder who refuses to assent to such lease or sale and so signifies by notice in writing to the lessee or purchaser within ninety (90) days thereafter shall be entitled to demand and receive compensation in the manner provided for the compensation of stockholders in section 3302, 3303 and 3304 of the Revised Statutes and the said sections are adopted and made a part of this section. Any such company so leasing or purchasing the property, rights and franchises of an electric light and power company, or natural or artificial gas company, or electric light and power and natural or artificial gas company, shall have all the rights, power and authority of the company where property rights and franchises are so leased or purchased, but the liability of an electric light and power company, or natural or artificial gas company, or electrict light and power and natural or artificial gas company, shall in no manner be affected by its lease or sale as herein provided.

Street or electric railway may lease or purchase property, etc., of electric or gas light, heat, power or fuel company.

Stockholders meeting to perfect lease or purchase.

Dissenting stockholders.

Lease or sale shall not affect liability of company selling.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 262G

[Senate Bill No. 273.]

AN ACT

To amend section 6708 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6708 of the Revised Statutes of Ohio be so amended as to read as follows:

Jurisdiction in error:

Jurisdiction of the common pleas court in error.

Sec. 6708. An order made by a probate court removing or refusing to remove an executor, administrator, guardian, assignee, trustee or other officer appointed by a probate court, and a judgment rendered or final order made by a probate court, justice of the peace, or any other tribunal, board, or officer, exercising judicial functions, and inferior to the court of common pleas, may be reversed, vacated, or modified by the court of common pleas.

Repeals.

SECTION 2. Said original section 6708 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage, and shall apply to all actions and cases pending in any court.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 263G

[House Bill No. 929.]

AN ACT

To amend sections (218-1) (218-5) (218-8) (218-9) (218-20) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Board of public works:

SECTION 1. That sections (218-1) (218-5) (218-8) (218-9) (218-20) of the Revised Statutes of Ohio be amended so as to read as follows:

Public works shall be divided into three grand divisions.

Sec. (218-1). The public works of the state shall be divided by the board of public works into three grand divisions, to be designated by such names or numbers, as said board shall deem proper, and to be of such limits and extent as said board, from time to time, shall prescribe.

How employes to be paid and material purchased.

Sec. (218-5). To provide for the prompt payment of all employes and laborers, and for the purchase of materials and for incidental expenses in the current repairs of the public works of the state, the superintendent of each division shall, at the close of every month, file with the engineer duplicate time rolls of all employes and laborers employed during the month, together with itemized bills of all materials purchased for the use of the state, and bills for the subsistence of horses, and for the board of hands, where the state is liable for such board, and other contingencies; and upon examination thereof, said engineer shall, if he approve the same, issue his certificate in favor of such superintendent of repairs, and immediately notify the secretary of said fact, upon which the board of public works, if satisfied that the certificate is correct, shall issue its check on the auditor of state, whose duty it shall be to issue his warrant on the treasurer of state for the amount specified in the check,

and charge the same to the canal fund, to which fund all receipts from tolls, fines, and water rents shall be credited; and the superintendent upon receiving the money, shall immediately proceed to pay all the indebtedness which he may have incurred on behalf of the state for labor, material, repairs, etc., on the division in his charge; and without delay after such payment, said superintendent shall file the original copy of the accounts theretofore filed with the engineer, properly attested by the receipts of all parties named therein, as his voucher for money paid out, with the secretary of the board, whose duty it shall be to examine the same, and if found by him to be correct, he shall credit the amount of the same to the account of said superintendent.

Receipts from tolls, water rents, etc., to be credited to the canal fund.

Sec. (218-8). All claims against the state arising in the nature of awards; or for superintendence and repairs on the canals, or other improvements under the care and supervision of the board of public works, and authorized by law, shall be paid by the check of the board of public works on the auditor of state, whose duty it shall be to issue his warrant on the treasurer of state for the amount specified in the check, and to charge the same to the proper account for which the expenditure shall have been made. No check shall be so issued until after the consideration upon which it is based shall have been actually rendered, except in the case of extraordinary casualties on the public works, when the engineer in charge, with the approval of the chief engineer, may issue a certificate for such sum as may be actually necessary in the emergency, and on such certificate the board of public works may issue its check for the amount on the auditor of state, who shall issue his warrant for the sum named in the check on the treasurer of state, and charge the same to the canal fund; and every check shall be drawn in favor of the identical person to whom the amount is due, and shall set forth the nature of the indebtedness, whether for materials, repairs, labor, superintendence, or otherwise, and to what object, and what point or division said materials, labor, or superintendence were applied. Every check shall set forth the specific appropriation which authorized its payment, and whether the amount due is for work done by contract or otherwise; and the check and certificate thus issued shall be registered in books, one to be kept by the engineer.

How claimants shall be paid.

In case of extraordinary casualty, how claims may be paid.

Sec. (218-9). That in all cases in which it may be necessary for the board of public works, by themselves or their legally authorized agent, to let contracts for the performance of labor, or the furnishing of materials, or for the construction of feeders, dykes, reservoirs, locks, dams, and other works and devices for perfecting and keeping in repair the public works under their charge, it shall be the duty of the board of public works by the chief engineer to cause such general notice of the letting of said contract by publication in the newspapers and posting up advertisements, as will secure general competition; which said notice shall contain a statement of the time, place, and manner of

How contracts for labor, material, etc., to be let.

receiving proposals of said contracts, and the character and magnitude of the work to be performed, the materials to be furnished, or both, if required, for the construction of the said works.

General powers of board.

Sec. (218-20). The board of public works shall have charge of the public works of the state, and shall have power to perfect, render useful, maintain, keep in repair, and protect the same; and to that end shall have power to remove obstructions therein or thereto, and to make such alterations or amendments thereof (whether now or hereafter constructed), and to make such feeders, dykes, reservoirs, locks, dams, and other works, devices and improvements, as they may think proper for the respective purposes aforesaid; that to enable them to exercise the powers aforesaid, it shall be lawful for the board of public works to purchase in the name and on behalf of the state, such real or personal property, rights or privileges, as may be necessary for the respective purposes aforesaid; and also, to agree with any owner whose property may be appropriated as hereinafter mentioned, upon the sum of money to be paid by the state as compensation therefor, and to pay the same in the manner designated by law; and it shall also be lawful for the board of public works and every superintendent, agent, or engineer employed by them to enter upon, take possession of and use, upon the conditions and subject to the limitations hereinafter prescribed, any lands, waters, streams, or materials necessary for the respective purposes aforesaid, doing, nevertheless, no unnecessary damage; and they may also enter upon any lands for the purpose of making any surveys or taking any levels that it may be necessary or expedient to make or take, in the discharge of their respective duties.

Repeals, etc.

SECTION 2. That sections (218-1) (218-5) (218-8) (218-9) (218-20) of the Revised Statutes of Ohio be, and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 264G

[House Bill No. 435.]

AN ACT

To amend sections 6968-1, 6968-2, 6968-3 and 6968-4 and to further supplement section 6968 by supplemental sections 6968-5 and 6968-6 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That sections 6968-1, 6968-2, 6968-3 and 6968-4 of the Revised Statutes of Ohio be amended and sections 6968-5 and 6968-6 of the Revised Statutes be enacted so as to read as follows:

Use of nets or seines prohibited in waters of the state except Lake Erie, its bays, etc.

Sec. 6968-1. No person shall draw, set, place, locate, or maintain any pound-net, gill-net, seine, trap-net, or fish-net whatever, nor catch fish with any such net whatever, in any of the waters of this state, except the following: The waters of Lake Erie; the waters of Sandusky bay as far up as one-half mile east of the east end of Eagle island; the waters of Portage bay as far up as Oak Harbor bridge; the waters of any other bay bordering on or flowing into Lake Erie. No person shall draw, set, place, locate, or maintain any pound-net, gill-net, trap-net, or fish-net whatever, in the waters of Lake Erie nor in Sandusky bay, Portage bay, or any other bay bordering on or flowing into Lake Erie, between the fifteenth day of December and the fifteenth day of March, inclusive. But nothing herein shall permit the catching of fish in that portion of the waters of Ten Mile creek lying within this state, nor in the waters of the Maumee river above a point opposite Presque Isle, with any device whatever, except with hook and line, with bait or lure. No person shall draw, set, place, locate, or maintain any net whatever on any of the reefs of Lake Erie. No person shall draw, set, place, locate, or maintain any net whatever, in any channel or passage lying between any two islands, or between an island and the mainland, at a greater distance from the shore of any such island or mainland, than one-fourth the distance across such channel or passage. No person shall draw, set, place, locate, or maintain any net whatever within a radius of one-half mile from any pier or break-water built or maintained by the United States government; nor at or within one-half mile of the mouth of any river flowing into Lake Erie; nor within one-half mile of any embankment, dam, or bridge in any bay or river connected with or flowing into Lake Erie; nor more than one-fourth the distance across any bay or river whose waters flow into Lake Erie. Provided, it shall be unlawful to catch at any time in any of the waters mentioned in this section, any black bass, except with hook and line, and any black bass caught unintentionally in any net at any time shall, while the nets are being lifted, be immediately released alive, in such a manner as not to injure the fish so released. It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, or give away, or have in possession for any such purpose, or to ship out of this state, or to transport out of this state any black bass caught in any of the rivers, brooks, ponds, lakes, or other bodies of water in the state or covered by the provisions of this act, or which was caught in any such body of water without the state of Ohio, provided that black bass shall not be caught in any manner between the 20th day of May and the 10th day of July. Provided further it shall be unlawful to catch, take, buy or sell any minnows in any manner except for bait to be used within the state of Ohio, and it shall be unlawful to ship any minnows or so-called "white bait" out of the state of Ohio.

Time within which nets or seines permitted to be used.

Reefs.

Distance from shore of island or mainland; channel or passage.

Pier, break-water, embankment, dam, bridge, bay or river.

Catching of certain fish with seine prohibited.

Time within which black bass shall not be caught by any means.

Minnows.

License for net fishing; from whom obtained; fees.

Sec. 6968-2. Every person, company or corporation intending to fish for profit with nets in the waters of Lake Erie, Sandusky bay, Portage bay or any other bay bordering on or flowing into Lake Erie, shall before doing so make application to the fish and game commissioners of this state for a license to do so and shall pay therefor the sum of fifty cents to said fish and game commission. Every application for a license shall set forth the name and place of residence of the person, firm or corporation making such application, also the kind of nets intended to be operated. Whenever any person, persons, company or corporation shall apply to the fish and game commissioners for a license to fish for profit with nets in the waters mentioned in this section, the said commissioners shall, upon receiving the fee herein provided, issue such license duly signed by the president and authorized secretary, which license shall hold good from the time it is issued until the close of the calendar year in which it is issued. Every person, company or corporation engaged in fishing for profit with nets in the waters mentioned in this section shall, on the last days of June and December of each year, file with the commissioners of fish and game a statement, in such form as they shall prescribe, which shall show the varieties or species of fish caught and the amount in weight of each variety or species, with the number and kinds of nets used, and the number of men employed in fishing during the preceding six months. Every such report shall be sworn to by the person making such report, in case of a firm by a member of the firm, and in case of a company or corporation by an officer of such company or corporation. For the purpose of providing for and establishing and maintaining fish hatcheries and propagating fish otherwise for the waters mentioned in this section each and every person, company or corporation engaged in taking fish for profit with nets in the waters mentioned in this section shall within ten days after the last days of June and December, respectively, pay to the president of the commissioners of fish and game the sum of fifty (50) cents per ton, of two thousand pounds, upon each and every ton of food fish so caught in the waters mentioned in this section within the six months next preceding the last day of June and December, respectively, except sheephead and German carp, and for every ton of German carp 10 cents per ton. The president of the fish and game commission shall pay such money into the state treasury as a special fund for the purpose of paying expenses in establishing and maintaining fish hatcheries and propagating fish therein or propagating fish otherwise for the waters mentioned in this section and for this purpose such fund is hereby appropriated, but shall not nor any part thereof be paid out for any other purpose. And said fund shall be subject to the order of the commissioners of fish and game, but shall be by them paid out only

Statement showing kind and amount of fish caught to be filed with commissioners of fish and game.

Provision for establishment and maintenance of fish hatcheries.

for the purpose for which said fund is appropriated. Any person, firm or corporation neglecting to file such certified statement or failing and neglecting to pay the amount herein provided to the president of the commissioners of fish and game, or to do and perform the several matters and things herein required of such person, firm or corporation, shall forfeit and pay to the state of Ohio the sum of $100 for such neglect, refusal or failure, and such sum may be recovered by civil action, instituted by the commissioners of fish and game in any court of competent jurisdiction in the name of the state of Ohio.

Penalty for neglecting to file certified statement.

Sec. 6968-3. After December 15th, 1902, the bottom or back side of the crib or car of all nets used in fishing in the waters mentioned in section 6968-1 of the Revised Statutes of Ohio, shall be so constructed that the meshes thereof shall not be less than two and three-fourths inches in length and width, stretched mesh, factory measure. Provided, however, that a smaller mesh may be used around the edge next to the corner or side lines of the bottom or back side of such crib or car not exceeding in width one-quarter the distance of the width or heights of such back side or bottom; the word crib or car is to mean that part of any net intended to finally hold and retain fish after the same have passed through the tunnel or tunnels of a net. No person shall have in his possession fish caught in any of the waters mentioned in this act, of a less length than the following, unless caught with hook and line; catfish, thirteen inches; and sturgeon, four feet; and all such fish caught of a less length than herein prescribed shall, while the nets are being lifted, be immediately released alive, and in such manner as not to injure the fish so released. Provided, however, that the releasing of such undersized fish shall apply only to the varieties of fish herein mentioned, and having in possession or failing to return to the water alive, as herein mentioned by the catcher, a quantity of such undersized fish not exceeding in weight three per cent. of each boat load, or part of a boat load, lot, catch, or haul, brought into port, of each variety of fish, the length of which is herein prescribed, shall not be deemed a violation of this act. No person shall catch or kill any fish in any of the waters mentioned in this act by the use of dynamite, or any other explosive material or by the use of any poisonous drug, bait, or food. No person shall buy, sell or offer for sale, or have in his possession, any fish caught out of season or in any manner prohibited. Any person or persons, company or corporation or agent or employe of the same, or any officer of any company or corporation who shall engage in fishing with nets for the purpose of catching fish in the waters of Lake Erie, Sandusky bay, Portage bay or in any other bay bordering on or flowing into Lake Erie without having first made an application for license to fish for profit in the waters mentioned in this section and procured a license to do so as provided in section 6968-2 of this act shall be guilty of a misdemeanor and whoever violates

How nets to be constructed.

Possession of certain fish under prescribed length unless caught with hook and line, prohibited.

What not deemed violation.

Use of dynamite or similar explosive prohibited.

Purchase, sale or possession.

Penalty for such fishing without license.

any of the provisions of this section, or any provision of sections 6968-1 or 6968-2 of the Revised Statutes of Ohio shall, upon conviction, be fined not less than twenty-five dollars, nor more than one hundred dollars, for the first offense, and not less than fifty dollars nor more than two hundred dollars for each subsequent offense.

Fish made property and so subject of larceny.

Sec. 6968-4. (1.) Any fish confined in any net or by any device authorized by law to be fished when so confined, shall be the property of the person, firm, company or corporation operating such net or device and shall be the subject of larceny.

When fish deemed to have been caught in waters mentioned in 6968-2.

(2.) All fish caught and brought into any port, or to any shore, in the state of Ohio, upon which an import duty has not been paid under the laws of the United States, shall be deemed to have been caught in the waters mentioned in section 6968-2 of this act, and the same shall be subject to the tonnage tax provided in said section.

"Channels" and "passages."

(3.) Channels and passages shall be considered those waters lying between islands, or an island and the mainland, where the waters of the lake are narrowed or obstructed in consequence of the location of the island therein.

"Island."

(4.) No rock or land elevated above the surface of the water of Lake Erie having an area of less than five acres above water shall be considered an island within the meaning of this act.

"Reef."

(5.) For the purpose of this act a reef shall mean an elevation of rock either broken or in place or gravel shown by the latest U. S. chart to be above the common level of the surrounding bottom of the lake, other than the rock, broken or in place, forming the base or foundation rock of an island or mainland, and sloping from the shore thereof; and shall also mean all elevation shown by such chart to be above the common level of such sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way, whether formed by rock broken or in place or from gravel.

Measurements.

(6.) Measurements of fish shall be made from end of the nose to the longest tip or end of the tail.

Bait; stocking artificial ponds; German carp.

(7.) Nothing herein shall prevent the taking of minnows for bait to be used within this state with a net not exceeding eight feet in length, or shall prevent the commissioners of fish and game, their agents or employes, from taking fish at any time, or place, or in any manner, for the purpose of stocking ponds, lakes, or rivers, or for the maintenance or cultivation of fish in hatcheries. And nothing herein shall apply to the catching of German carp in any of the bays, marshes, estuaries, or inlets bordering upon, flowing into, or in any manner connected with Lake Erie, which may be caught at any time, with any net, seine, or trap, provided written permission to take German carp shall be granted to any person who shall make application, and satisfy the commissioners that if granted such privilege,

he will not in any manner violate any law enacted for the protection of fish, which permission may be revoked by the said commissioners, upon the conviction of the holder thereof for the taking of fish under his permit in violation of law.

Daily record of number of pounds and kind of fish caught to be kept by persons engaged in catching fish.

Sec. 6968-5. Every person, firm or corporation engaged in catching fish in any of said waters, and every person, firm or corporation engaged in receiving, buying, or shipping fish which may be subject to the tonnage tax provided in section 6968-2, except common carriers, shall keep a book, to be furnished by the fish and game commissioners, and which shall be the property of the state of Ohio, in which shall be entered, at the close of each day, in the form to be designated in the blanks therein, to be determined by the commissioners of fish and game, the number of pounds of each variety and species of fish brought to shore, and the name of the person, firm or corporation bringing the same to shore; and if any person, firm or corporation shall purchase or receive any fish, not caught by such person, firm or corporation, such person, firm or corporation so purchasing or receiving such fish, shall also keep such book, in which shall be entered the name of the person, firm or corporation delivering such fish, the number of pounds of each variety and species delivered, and the date of each delivery; such books shall be kept at the place of business of such person, firm or corporation, and they shall be open, at all times, for inspection by any warden or person appointed by the fish and game commissioners to make inspection of such books, or to collect the tonnage tax, and such books shall be surrendered to the fish and game commissioners or any duly authorized officer thereof, or to any such person so appointed to make such inspection or collection, upon demand.

Inspection of record.

Penalty for failure to keep or exhibit such record.

Any person, firm or corporation who shall fail, neglect or refuse to keep such book, as herein required, or who shall refuse to exhibit such book for such inspection, or to deliver the same upon demand as herein required, shall pay a penalty in the sum of two hundred dollars, and a continuation of such failure, neglect or refusal for each thirty days after prosecution shall have been commenced, shall be deemed an additional offense and such offender shall be subject to the same penalty for each offense. Such penalties shall be recovered in a civil action to be brought in the name of the state of Ohio in the court of common pleas having jurisdiction of the offender; and it is hereby made the duty of the prosecuting attorney to bring all such suits and to attend to such prosecutions, upon being requested by the commissioners of fish and game or any person, firm or corporation chargeable with such tonnage tax; and such penalties, when collected shall be paid into the state treasury to the credit of the special fund mentioned in section 6968-2.

How penalty recovered.

Fish and game commissioners may appoint persons to enforce keeping of record and make inspection thereof; compensation.

The commissioners of fish and game may appoint not exceeding two persons whose duty it shall be to enforce the keeping of the books and to make the inspection of such books, herein provided, to collect said tonnage tax and to perform such other duties as the fish and game commissioners may direct, with a view to securing a full return and payment of said tonnage tax; and the fish and game commissioners may pay such persons for their services and expenses out of said special fund mentioned in section 6968-2, not exceeding seven dollars per day for each person, and not exceeding fifty days in the first half and not exceeding fifty days in the last half of each calendar year for each such person. It is hereby made the duty of the fish and game commissioners to proceed without delay to collect by suit, in the name of the state of Ohio, any delinquent tonnage tax, and any judgment rendered for any such tonnage tax shall be a lien upon the fishing devices, boats, and all other personal property used in fishing, of the person against whom such judgment may be rendered from the date of commencement of suit, and such property shall not be exempt from execution issued upon any such judgment. The commissioners of fish and game shall cause to be printed, in pamphlet form, once each year, a statement setting forth the names of all persons paying the tonnage tax, the amount paid by each person, and the number of pounds, and the variety and species returned by each person, and the names of all persons who are delinquent, and the amount of such delinquency, for the preceding calendar year, and also setting forth a summary statement of the money paid into and out of said special fund provided in section 6968-2, and send by mail, a copy thereof, to each person chargeable with such tonnage tax, not later than the first day of April of each year. The expense of printing the books and pamphlets mentioned in this section may be paid out of said special fund.

Unlawful to fish with seine by means of boat without paying fee according to capacity of boat.

Sec. 6968-6. It shall be unlawful for any person, firm or corporation, not a resident of the state of Ohio, either personally or by agent or employe, to fish any pound-net, gill-net, seine, trap-net, or any other fishing device whatsoever, for profit, in any of the waters mentioned in section 6968-2, or to engage in fishing, for profit, by means of any boat, in said waters, without first paying to the president or secretary of the fish and game commission of the state of Ohio, the sum of ten dollars ($10.00) for each net ton capacity of each boat, registered under the laws of the United States, according to its net tonnage register, and fifteen dollars ($15.00) for each boat not so registered, and receive a license for a period of one year from the date of issue, to be issued by said commissioners. Any person, firm or corporation who shall fail, neglect or refuse to comply with the provisions of this section shall be guilty of a misdemeanor and subject to a penalty of five hundred dollars ($500.00), to be recovered by a civil action, in the name of the state of Ohio, and a continuation of such failure, neglect

Penalty and collection thereof.

or refusal, for each period of sixty days, shall be deemed an additional offense, and at the commencement of any action, for the recovery of such penalty, an attachment may be issued, on the ground that such person, firm or corporation, is such non-resident, without bond, and in all other respects as attachments are issued in other cases, and under the writ of attachment the boats and fishing devices of such person, firm or corporation, may be seized wherever found in the state of Ohio, and such writ of attachment and the summons in such case may be served by the fish and game warden or any deputy fish and game warden of the state of Ohio, and anywhere within this state, and returned in the manner provided for the service and return of attachments and summons, in attachment cases, by sheriffs. The license fees collected under this action shall be paid into said special fund mentioned in section 6968-2, and the penalties recovered under this section shall be paid into the fish and game fund for contingent purposes.

Repeals.

SECTION 2. That said original sections 6968-1, 6968-2, 6968-3 and 6968-4 of the Revised Statutes of Ohio are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 265G

[House Bill No. 167.]

AN ACT

To amend section 6134*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Executors and administrators; action for injury by wrongful death:

SECTION 1. That section 6134*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Right by statute of other state, territory or country enforced.

Sec. 6134*a*. Whenever the death of a citizen of this state has been or may be caused by a wrongful act, neglect or default in another state, territory or foreign country, for which a right to maintain an action and recover damages in respect thereof is given by a statute of such other state, territory or foreign country, such right of action may be enforced in this state within the time prescribed for the commencement of such action by the statute of such other state, territory or foreign country.

Repeals.

SECTION 2. That said original section 6134*a* be and hereby is repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and shall not apply to pending actions.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 266G

[House Bill No. 326.]

AN ACT

For the relief and payment of the claim of Mary Ford, of Pikeville, Darke county, Ohio, against the state of Ohio for boarding Captain Joseph Snodgrass, second lieutenant, company H, 110th O. V. I., and ten men of said company from August 5th to August 22d, 1862.

Be it enacted by the General Assembly of the State of Ohio:

For relief of Mary Ford.

SECTION 1. That the auditor of state be, and he is hereby authorized and required to issue his warrant on the state treasurer to pay said Mary Ford of Pikeville, Darke county, Ohio, the sum of $213.20, being the amount of a certain claim held by her against the state of Ohio for furnishing board and subsistence to Captain Joseph Snodgrass, of company H, 110th O. V. I., and ten men of his company from August 5th to August 22d, 1862, and interest to date, and for this purpose there be and is hereby appropriated the sum of $213.20 from any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said Mary Ford for said claim against the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 267G

[House Bill No. 48.]

AN ACT

To amend section 6161 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Executors and administrators:

SECTION 1. That section 6161 of the Revised Statutes of Ohio, be amended so as to read as follows:

When sale to be at vendue and when at private sale.

Sec. 6161. The sale shall be made at public vendue at the door of the court house in the county in which the order of sale shall have been made or at such other place as the court may direct; provided, however, that if it is made to appear to the court that it will be more for the interest of said estate to sell such real estate at private sale the court may authorize said petitioner to sell the same either in whole or in part for cash in hand or upon deferred payments not exceeding two years with interest; and in no case shall such real estate be sold at private sale for less than the appraised value thereof; provided, however, that where any order for private sale has been or may hereafter be issued under the provisions of this section the court may

upon motion, and showing by any person interested in the proceeds of such sale, filed after thirty days from date of such order, require the petitioner to return such order if the premises have not been sold and thereupon the court may issue an order for the sale of such premises at public sale as provided in this section; and if the court, upon showing of any person interested, shall find that it will be to the interest of such estate he may order a reappraisement of such premises and a sale thereof in parcels.

Repeals, etc.

SECTION 2. That section 6161 be and the same is hereby repealed, and this act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 268G

[House Bill No. 224.]

AN ACT

To amend section 3697 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations:

SECTION 1. That section 3697 of the Revised Statutes of Ohio be amended so as to read as follows:

Organization of district or county agricultural societies.

Sec. 3697. When thirty or more persons, residents of any county of the state, or of a district embracing one or more counties, organize themselves into an agricultural society, and adopt a constitution and by-laws and select the usual and proper officers, and otherwise conducts its affairs in conformity to the statutes of Ohio and to the rules of the state board of agriculture, and when such county or district agricultural society shall have held an annual exhibition in accordance with section 3698 of the Revised Statutes of Ohio, and made proper report to the state board of agriculture, then, upon presentation to the county auditor, of a certificate from the president of the state board of agriculture, attested by the secretary of said board, that the laws of the state and the rules of the state board of agriculture have been complied with, the county auditor of each county wherein such agricultural societies are organized, shall annually draw an order on the treasurer of the county in favor of the president of the county or district agricultural society for a sum equal to two cents to each inhabitant of the county, upon the basis of the last previous national census, but the total amount thereof shall not exceed in any county the sum of eight hundred dollars ($800); and the treasurer of the county shall pay the same.

Cuyahoga county.

Provided, that where in any county containing a city of the second grade of the first class, the site for holding county fairs is situated so far from the geographical center

of said county that, in the opinion of the commissioners of said county the agricultural interests of said county will best be promoted by the establishment of another and additional society and site whereon to hold fairs; upon the organization of such additional society in the manner provided herein, said additional society shall be entitled to receive out of the county treasury the sum provided in this section and also be entitled to the provisions of other sections of the statutes in reference to county agricultural societies.

Repeals.

SECTION 2. Said original section 3697 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 269G

[Senate Bill No. 154.]

AN ACT

To amend section 12 of an act entitled "An act relating to the appointment and salaries of officers of the Ohio penitentiary," as amended April 10th, 1896 (O. L., vol. 92, p. 142), and numbered as section 7388-15 in the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Ohio penitentiary:

SECTION 1. That section 12 of an act entitled "An act relating to the appointment and salaries of officers and other employes of the Ohio penitentiary as amended April 10th, 1896 (O. L., vol. 92, p. 142) and numbered as section 7388-15 in Revised Statutes, be amended so as to read as follows:

Appointment, salaries and bonds of officers and other employes.

(7388-15) Sec. 12. It shall be the duty of the warden with the advice and consent of the board of managers to appoint the following named officers whose compensation shall be as follows: Deputy warden, at a salary of twelve hundred dollars per year, and who shall give bond for the sum of five thousand dollars, payable to the warden, for the benefit of the state of Ohio; a clerk at a salary of fifteen hundred dollars per year, who shall give a like bond in the sum of ten thousand dollars; an assistant clerk whose salary shall be at the discretion of the board, not exceeding ten hundred dollars per year; the chaplain who shall also act as librarian at a salary not to exceed one thousand [dollars] per year; the steward at a salary of twelve hundred dollars per year who shall also give a bond, conditioned the same as the deputy warden for the sum of ten thousand dollars; a physician at a salary of ten hundred dollars per year; the assistant deputy warden at ten hundred dollars per year;

the superintendent of school at eight hundred dollars per year; and said superintendent shall be accredited as a guard; one superintendent of construction, at not to exceed twelve hundred dollars per annum; and the following named officers at a salary not exceeding nine hundred dollars per annum: One day assistant physician, who shall also be superintendent of the hospital; one night physician, one storekeeper, one postmaster, one superintendent of subsistence, one superintendent of transfers and halls, one superintendent of piece price, one superintendent of state shops, one day captain of the guard room, one night captain of the guard room, one captain of the night watch, one superintendent of yards, one superintendent of gas and electric (lights), salary not to exceed twelve hundred dollars per annum; one stenographer, at a salary not to exceed forty dollars each calendar month; the male guards, sixty-five dollars, and the female guards who shall (also) be matron and assistant matron, fifty dollars each calendar month; provided each guard shall be allowed not to exceed fourteen days vacation each year without reduction of pay; provided, that no guard shall be required to work more than sixty-six hours in any one week; the warden may also appoint as hereinbefore provided, such other officers and employes as may be necessary to carry on the moral and religious features of the institution, each of whom shall receive not to exceed seven hundred and eighty dollars per year. The appointees herein provided for, shall be selected for their fitness and qualifications for the position to which they may be appointed or employed, and shall hold their offices or places for two years, or unless (sooner) removed in accordance with the provisions of section 7413; provided further, that one guard, or one of the minor officers, shall be appointed from each county until the necessary number is secured. Provided, however, the board may appoint a secretary of the board of managers, at a salary not to exceed fifteen hundred dollars per annum, who shall serve during the pleasure of the board. All the appointees herein provided for shall be paid monthly out of the state treasury on the warrant of the state auditor.

Vacation of guards.

Hours of labor per week.

Qualification and term of employees.

Removals.

Representation from each county.

Secretary of the board of managers.

Payment of salaries.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 6, 1902.

270G

[Senate Bill No. 272.]

AN ACT

To amend section 6407 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Procedure in probate court:

SECTION 1. That section 6407 of the Revised Statutes be amended so as to read as follows:

When appeals may be taken from probate court to court of common pleas.

Sec. 6407. In addition to cases specially provided for, appeals may be taken to the court of common pleas, from any order, decision or judgment of the probate court in settling the accounts of an executor, administrator, guardian, and trustees, and assignees, trustees and commissioners of insolvents; from an order removing or refusing to remove an executor, administrator, guardian, assignee, trustee or other officer appointed by the probate court; in proceedings for the sale of real estate for the payment of debts; in proceedings to increase or diminish the allowance made by appraisers of any estate to any widows or minor child or children for their support one year; in proceedings against persons suspected of having concealed, embezzled or conveyed away the property of deceased persons; in cases for the completion of real contracts, and from order or decision in the administration of insolvents' estates by assignee, trustee or commissioners; and in proceedings to appoint guardians for trustees for lunatics, idiots, imbeciles, or drunkards, by any person against whom such order, decision, or decree shall be made, or who may be affected thereby; and the cause so appealed shall be tried, heard, and decided in the court of common pleas in the same manner as though the said court of common pleas had original jurisdiction thereof.

Repeals.

SECTION 2. That said original section 6407 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and shall apply to all cases pending in any court.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 271G

[House Bill No. 593]

AN ACT

To authorize the governor of Ohio to convey certain lands in Henry county, Ohio, to John Vocke.

Preamble.

WHEREAS, On and for some time prior to the 13th day of December, A. D. 1853, J. D. Phillips and Samuel E. Stafford were the owners in fee simple of the following described tracts or parcels of land, situate in the town of Napoleon, county of Henry, and state of Ohio, to wit:

Commencing at a point where the west line of Scott street intersects the south side of Front street, thence westerly along the south side of Front street, three chains, thence south twenty-six degrees east and parallel with Scott street, two chains to the Maumee river, thence along the Maumee river to the west side of Scott street, thence northerly along the west line of Scott street to the place of beginning known as the mill lot; also a parcel of land at the northwest corner of said mill lot, running north twenty-six degrees west to the towing path of the Miami and Erie canal, thence east along the said towing path fifty-two links, thence south twenty-six degrees east to the north side of said mill lot, thence west along said mill lot to the place of beginning.

Being the property conveyed by Phillips and Stafford to the state of Ohio, containing in all one hundred and three rods, more or less, except a strip of land four rods wide, being a continuation of Front street as surveyed, platted and recorded as Phillips' and Stafford's second addition to the town of Napoleon, Ohio; and,

WHEREAS, On the said 13th day of December, 1853, the said J. D. Phillips and Samuel E. Stafford, in consideration of a certain lease to Augustus Pilliod who contracted to purchase said premises from said Phillips and Stafford for a mill site, which lease to said Plliod was for the period of thirty years from the 1st day of November, 1853, of certain water privileges in connection with the use of said premises, for such term by the board of public works of the state of Ohio, executed in due form of law, their deed of conveyance, wherein the said J. D. Phillips and the said Samuel E. Stafford conveyed the said premises to the state of Ohio, which deed of conveyance is duly recorded in vol. 7 on page 332 of the record of deeds of said county; and

WHEREAS, Afterward, to-wit: About the first day of January, 1854, the said J. D. Phillips and Samuel E. Stafford executed and delivered to said Augustus Pilliod a good and sufficient deed releasing and quit-claiming to said Augustus Pilliod and his heirs and assigns forever all their right, title, and interest in said premises; and on the 7th day of September, 1864, the said Augustus Pilliod by a like deed sold and conveyed all his right, title, and interest in said premises to John H. Vocke; and on the 28th day of June, 1884, the administrator of said John H. Vocke, by order of the probate court of said county, duly sold and conveyed the right, title, and interest of the said John H. Vocke to Caroline Vocke, who on the 19th day of December, 1888, by her deed of that date, remised, released and forever quitclaimed to Herman H. Vocke, and John Vocke, their heirs and assigns forever all her right, title, and interest in and to said premises; and afterwards the said Herman H. Vocke, by his last will and testament, duly bequeathed and devised all his right, title and interest in and to said premises to the said John H. Vocke, his heirs and assigns forever; and

WHEREAS, On the 19th day of May, 1876, the board of public works of the said state of Ohio, leased to the said John H. Vocke, additional water privileges, to be used in connection with said lease made by said board of public works to said Augustus Pilliod, January 9th, 1854, which said last lease, was then owned by said John H. Vocke; and

WHEREAS, On the 8th day of May, 1894, the said lease of said premises and water privileges so made by said board of public works to said Augustus Pilliod January 9th, 1854, having expired and the said Herman H. Vocke, and John Vocke having succeeded to all the rights of said Augustus Pilliod in and to said premises, the said board of public works of said state of Ohio, renewed said lease to the said Herman H. Vocke, and John Vocke for a further period of thirty years from the first day of November, 1883; and on the 12th day of May, 1896, the same board of public works leased to said Herman H. Vocke and John Vocke additional water privileges to be used in connection with said prior leases; and

WHEREAS, For a long time prior to September 5th, A. D., 1900, the said board of public works being unable to furnish the water privileges provided for in the said leases, to Herman H. Vocke and John Vocke, and in the lease to said John H. Vocke of date of May 8th, 1876, the said leases were fully paid up to said date of September 5th, 1900, and surrendered to the said board of public works for cancellation, leaving the title to the said premises in the state of Ohio with no power under the laws of the said state to reconvey the same to said Herman H. Vocke and John Vocke; and

WHEREAS, The said John Vocke is now in the use and occupancy of said premises and save and except any claim thereon or interest therein, of the state of Ohio, is the sole owner of said premises in fee simple, and entitled to have and to hold the same with the appurtenances thereunto, belonging to himself his heirs, and assigns forever; now therefore

Be it enacted by the General Assembly of the State of Ohio:

Governor authorized to convey certain lands to John Vocke.

SECTION 1. That the governor of said state of Ohio, be, and he hereby is authorized and empowered upon satisfactory proof to him of the truth of the several recitals in the foregoing preamble, to make, execute, sign, seal and deliver to the said John Vocke, a deed of conveyance therein and thereby conveying to the said John Vocke, his heirs and assigns forever, all right, title and interest of the state of Ohio in and to said above described tract or parcel of land to-wit:

Commencing at a point where the west line of Scott street intersects the south side of Front street, thence westerly along the south side of Front street, three chains; thence south twenty-six degrees east and parallel with Scott street two chains to the Maumee river; thence along the Maumee river to the west side of Scott street; thence north-

erly along the west line of Scott street to the place of beginning known as the mill lot; also a parcel of land at the northwest corner of said mill lot, running north twenty-six degrees west to the towing path of the Miami and Erie canal; thence east along the said towing path fifty-two links; thence south twenty-six degrees east to the north side of said mill lot; thence west along said mill lot to the place of beginning.

Being the property conveyed by Phillips and Stafford to the state of Ohio, containing in all, one hundred and three rods, more or less, except a strip of land four rods wide, being a continuation of Front street as surveyed, platted and recorded by Phillips' and Stafford's second addition to the town of Napoleon, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 272G

[House Bill No. 212.]

AN ACT

To amend section 4686-30 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4686-30 of the Revised Statutes of Ohio be amended so as to read as follows: Township roads:

Sec. 4686-30. That the trustees of any township in the state of Ohio be, and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding six mills in any one year upon the dollar valuation of the taxable property of such township in addition to other taxes authorized by law, for the purpose of improving by macadamizing and graveling the public highways in such township, as may be deemed expedient or necessary by the board of trustees of such township, and for no other purpose, provided that this act shall not apply to townships in any county where the county commissioners have improved or now are engaged in improving by macadamizing and graveling the highways of said county. Levy for improvement of highways by township trustees.

SECTION 2. That said original section 4686-30 of the Revised Statutes of Ohio be and the same is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 273G

[House Bill No. 291.]

AN ACT

To repeal section 7388-11 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Habitual criminal act repealed.

SECTION 1. That section 7388-11 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 274G

[House Bill No. 685.]

AN ACT

To amend section 557-1 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for courts of record:

SECTION 1. That section 557-1 of the Revised Statutes of Ohio be amended so as to read as follows:

Court must render decision within what time.

Sec. 557-1. That any cause now pending, or that may hereafter be begun in any court of record in this state when submitted on motion or demurrer, or motion for new trial shall be determined and adjudicated thereon by such court within thirty days after such submission, and any such cause when submitted to the court on proceedings in error or on final trial on the issues joined shall be determined and adjudicated within thirty days after such submission.

Repeals.

SECTION 2. That said original section 557-1 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 275G

[House Bill No. 1030.]

AN ACT

To amend section 553 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for courts of record:

SECTION 1. That section 553 be amended so as to read as follows:

Court constables; duties and compensation.

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the insolvency court and probate court in any county containing a city of the first class (except fourth grade) and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge other duties as the court requires; and in any county containing a city of the second grade of the second class, the constables so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors, except in the counties containing a city of the first grade of the first class the compensation shall be twelve hundred dollars ($1,200) per annum, and of the first and second grades of the second class, and of the second grade of the first class, the compensation of all court constables shall be one thousand dollars ($1,000) per annum each; and in counties containing a city of the second class, third grade, the compensation of each court constable shall be eight hundred dollars per annum, payable monthly; and in all counties having a population of not less than eighty-four thousand one hundred and fifty, and not more than eighty-four thousand two hundred and fifty, at the federal census of 1890, it shall be six hundred dollars per annum, and in counties containing cities of the third grade of the first class the compensation of such constables so appointed by the court of common pleas shall be six hundred dollars ($600) per annum, and of those so appointed by the circuit court four hundred dollars ($400) per annum; and in all cases shall be paid out of the county treasury on the order of the court.

SECTION 2. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 276G

[House Bill No. 854.]

AN ACT

To supplement section 1569 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Villages and hamlets:

SECTION 1. That section 1569 of the Revised Statutes of Ohio is hereby supplemented as follows:

Montgomery county; compensation for agent of petitioners for incorporation of village.

Sec. 1569*a*. When in any county containing a city of the second grade of the second class a village shall be, or within two years last past has been, incorporated under the provisions of this chapter, the agent of the petitioners shall, if the council shall so authorize, be paid by such village the

expenses, which shall include attorney fees, incurred by him and the petitioners in prosecuting the proceeding for incorporation, but not to exceed two hundred and fifty dollars.

Funds for running expenses before receipt of taxes.

Any village which has been within two years, or which shall be incorporated under the provisions of this chapter, may, in order to provide money for running expenses until it shall begin to receive taxes and to make the payment above provided for, borrow an amount not exceeding one thousand dollars, at a rate of interest not exceeding six per cent per annum, and for a period not longer than five years, and such loan shall be evidenced by a note signed by the mayor on behalf of the village.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 277G

[House Bill No. 798.]

AN ACT

To amend sections 4211-9, 4211-13, 4211-15, 4211-16, 4211-17 and 4211-18, and to supplement section 4211-16 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Animals:

SECTION 1. That sections 4211-9, 4211-13, 4211-15, 4211-16, 4211-17 and 4211-18 of the Revised Statutes of Ohio be amended, and section 4211-16 be supplemented with sectional numbering to read as follows:

Board of live stock commissioners; how constituted; duty as to extirpating diseases.

Sec. 4211-9. The Ohio state board of agriculture shall be and is hereby constituted the board of live stock commissioners for the promotion and protection of the live stock interests of the state and the prevention of the spread of infectious and contagious diseases among domestic animals and the extermination of the same; and to coöperate with the bureau of animal industry of the United States department of agriculture, in the suppression and extirpation of contagious and infectious diseases among domestic animals. The board may elect such officers as it may deem necessary, and shall have power in its organization and work to prescribe such rules and establish such regulations, not in conflict with law, as it may deem necessary, to secure strict quarantine, and otherwise prevent the spread of infectious and contagious diseases among live stock and extirpate the same so far as it may be able to do.

Officers and rules and regulations.

Records of board; report, compensation and expenses.

Sec. 4211-13. The board of live stock commissioners shall keep a record of its acts and investigations of diseases of live stock and report the same to the governor on the first Monday of November, annually, and shall publish and

distribute such bulletins and reports as may be deemed of general interest and information. The supervisor of public printing shall provide for such printing as the board may deem necessary and desirable to benefit the live stock interests of the state, under the same provisions as are made for other state printing. Each member of said board shall receive for his services the sum of three dollars per day and necessary traveling expenses for each day he is actually engaged in the investigation and eradication of diseases of domestic animals by the direction of the board.

Proclamation prohibiting importation of diseased live stock.

Sec. 4211-15. Whenever the governor of the state of Ohio, upon receipt of information from the state board of live stock commissioners, shall believe that any dangerous, contagious or infectious disease has become epidemic in certain localities in other states, territories or countries, or that there are conditions which render domestic animals of such infected district liable to convey such disease, he shall, by proclamation, prohibit the importation of any live stock of the kind diseased into the state, except under such regulations as may be prescribed by the state board of live stock commissioners and approved by the governor.

Appraisement and killing of diseased animals.

Sec. 4211-16. When in the opinion of the commissioners it shall be necessary to prevent the further spread of any dangerous, contagious or infectious disease among the live stock of the state, to destroy animals affected with or which have been exposed to any such disease, it shall determine what animals shall be killed, and shall appraise or cause the same to be appraised, by disinterested citizens as hereinafter provided, and cause such animals to be killed, and their carcasses to be disposed of as in the judgment of the commission will best protect the health of the domestic animals of the locality; provided, that no animal shall be slaughtered under the provisions of this act unless first examined by a competent veterinarian in the employ of the commission, and the disease with which it is affected or to which it has been exposed adjudged to be a dangerous and contagious malady.

Appointment of veterinarian; duties.

Sec. 4211-16*a*. The board of live stock commissioners shall appoint a competent veterinarian, whose compensation shall be fixed by the board; such veterinarian to perform all duties prescribed by the board and be subject to such rules and regulations as it may adopt. In case of an outbreak of animal disease, the board may, if it is deemed advisable, appoint temporarily, additional veterinarians or other persons for any special work in furtherance of the live stock interests of the state, and fix their compensation.

Power as to inspection and protection of live stock.

Sec. 4211-16*b*. In the enforcement of any of the provisions of this act or any other laws relating to the board of live stock commissioners, and in the enforcement of the rules and regulations that may be adopted under the authority of this act, the board of live stock commissioners, or any of them or their authorized officers, agents or employes, shall have authority to enter upon any public or private premises,

or within any building where live stock is housed, or to enter any railway car or any boat or other conveyance used in the transportation of live stock, for the purpose of inspection and for the protection of the live stock of the state.

Penalty for failure to comply with rules of board.

Sec. 4211-16c. The failure of any individual, company or corporation to comply with the rules of the board of live stock commissioners, or to respect its regulations with regard to diseased animals, when notified so to do, shall subject the offender to a penalty of not less than fifty ($50) dollars nor more than five hundred ($500) dollars, to be recovered by civil action in the county where the offense is committed or in the county of Franklin, and in addition to the penalty above provided, a person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty ($50) dollars nor more than two hundred ($200) dollars; such fines and penalties to be collected in the name of the state of Ohio, for the use of the board of live stock commissioners.

Coöperation with United States department of agriculture.

Sec. 4211-16d. The board of live stock commissioners is authorized to accept on behalf of the state the rules and regulations prepared by the commissioners of agriculture under and in pursuance of section three, of an act of congress, approved May 29, 1888, entitled "An act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," and to cooperate with the authorities of the United States in the enforcement of the provisions of such act.

Power of inspector of bureau of animal industry of United States.

Sec. 4211-16e. The inspector of the bureau of animal industry of the United States shall have the right of inspection, quarantine and condemnation of animals affected with any contagious, infectious, or communicable disease, or suspected of being so affected, or that have been exposed to any such disease; and for these purposes are authorized and empowered to enter upon any ground or premises in the state. They shall have power to call upon any constables and peace officers to assist them in the discharge of their duties in carrying out the provisions of said act of congress; and it is made the duty of said officers to assist them when so requested. The inspectors shall have the same powers and protection as peace officers while engaged in the discharge of their duties.

Compensation for animals destroyed.

Sec. 4211-17. In case of destruction of any animal under the provisions of this act, the compensation to be made for the same by the state shall be computed upon the basis of the actual value of the diseased animal, if any, at the time of slaughter; for any animal that has been kept in the same building or enclosure two-thirds of such value, and in case of other animals destroyed for the extinction of such disease, the full value of the same without reference to the suspicion of contagion; provided, that no compensa-

tion shall be made to any person who may have brought animals into the state affected with such contagious disease, or from a district in which such contagious disease existed, or who may have wilfully concealed the existence of such disease among his stock or on his premises, or may have by wilful neglect or purposely contributed to the spread of such contagion; and in appraising animals to be slaughtered as herein provided, no allowance shall be made on account of such animal being thoroughbred, or pedigree stock.

Appropriation to pay claims; how made.

Sec. 4211-18. All claims against the state by owners of animals slaughtered under the provisions of this act, shall, when approved by the board of live stock commissioners, be reported by said commission to the governor, to be by him communicated to the legislature with the recommendation, if the matter is approved by him, that the proper appropriation be made to pay such claims.

Repeals, etc.

SECTION 2. That said original sections 4211-9, 4211-13, 4211-15, 4211-16, 4211-17 and 4211-18 of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 278G

[House Bill No. 815.]

AN ACT

To amend section 2690c of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Finance and taxation:

SECTION 1. That section 2690c of the Revised Statutes of Ohio be so amended as to read as follows:

Approval of levies by tax commissioners of certain cities.

Sec. 2690c. No tax shall be levied upon the property of any such city by the council thereof or any other authority therein, except by the boards of education in cities of the first grade of the first class, cities of the third grade of the first class, and cities of the first grade of the second class, for school and educational purposes, until approved by the board of tax commissioners aforesaid. Provided, that in cities of the third grade of the first class boards of education shall not levy in excess of seven (7) mills on the dollar of the tax property thereof, in any one year.

Limitation of levy.

Repeals.

SECTION 2. That said original section 2690c of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 279G

[House Bill No. 640.]

AN ACT

To further supplement section 2334 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Assessments:

SECTION 1. That the following section be enacted as supplementary to section 2334 of the Revised Statutes of Ohio, with sectional numbering as follows:

Sidewalks in cities in Hamilton county.

Sec. 2334*d*. The provisions of sections 2334*a*, 2334*b* and 2334*c*, of the Revised Statutes of Ohio, shall apply to all cities in counties containing a city of the first grade of the first class in the same manner as the same is applicable to villages in such counties, and in cities of the first grade of the first class the board of public service shall have all the powers and perform all the duties authorized or required by said sections to be performed by council, and the president of said board of public service shall have all the powers and perform all the duties authorized or required in said section to be performed by the mayor, and no action or concurrence of council or of the board of legislation or the mayor of such cities shall be necessary.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 280G

[House Bill No. 559.]

AN ACT

To supplement section 4047 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Treasurer of school funds:

SECTION 1. That section 4047 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Cincinnati; receipts of board of education to be paid to treasurer of school funds.

Sec. 4047*a*. In city districts in cities of the first grade of the first class the receipts of the board of education from any and all sources shall be paid to the treasurer of the school funds, and such receipts shall be accepted by such treasurer only after the order of the clerk of the board therefor has been approved by the auditor of the city located in whole or in part within such district, and no school money shall be paid out by the treasurer until the order signed by the president and countersigned by the clerk of the board of education therefor has been approved by the auditor of such city.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 281G

[House Bill No. 861.]

AN ACT

To amend section 4002-48 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4002-48 of the Revised Statutes of Ohio be amended so as to read as follows:

Schoolhouses and libraries:

Sec. 4002-48. Said board of education shall require said library association to render an account as often as it shall deem proper of all taxes so received by it, and how the same have been expended. Said association shall keep up and maintain in a public place in such city a public library free to all the inhabitants thereof, and to all persons residing within said school district. Provided further, that if said public library association shall for any cause cease to exist, then all property of said association, real and personal, shall immediately become vested in the city wherein said library association is established and maintained, and that had heretofore been taxed for the purpose of maintaining the same; and it shall become the duty of said city or municipality to have the charge of and care of such property in the same manner as other property of said city, and to carry out the educational purposes for which this act was originally intended, and may, if occasion require, levy taxes for said purposes upon the personal and real property of said city, and collect the same as other taxes are now levied and collected.

Library association to render account.

Shall maintain free public library.

City shall maintain library if association cease to exist.

May levy tax.

SECTION 2. That said original section 4002-48 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 282G

[Senate Bill No. 339.]

AN ACT

To amend section 5302 of the Revised Statutes of Ohio, as amended April 16, 1900, as amended March 26, 1902, as amended April 28, 1902 relative to bills of exceptions.

Be it enacted by the General Assembly of the State of Ohio:

Bills of exceptions:

SECTION 1. That section 5302 of the Revised Statutes of Ohio, as amended April 16, 1900, (O. L., vol. 94, p. 397), as amended March 25, 1902, as amended April 28, 1902, be amended so as to read as follows:

Time of its allowance and signing.

Sec. 5302. If the exception be not true, then after it is corrected, the trial judge, or a majority of the judges composing the trial court, must allow and sign it before the case proceeds; or if the party excepting consents within fifty days after the overruling of the motion for a new trial, or the decision of the court when a motion for a new trial is not necessary; or in case of the absence of the trial judge or judges from the district or circuit, on or before the fifth day of the next ensuing term of the court, in accordance with the provisions of section 5301; the bill of exceptions shall be filed with the pleadings, and if the party filing the same shall request it, made a part of the record, but not spread upon the journals. And an entry of the allowance and signing of the same must be entered upon the journal of the court within the time fixed for such allowance and signing. Provided, that where exceptions are not allowed and signed during the progress of the trial, the party excepting shall submit the bill of exceptions to the opposite counsel for examination not less than ten days before the expiration of said fifty days, which counsel shall return the same within five days thereafter, and which bill of exceptions, after such submission to counsel shall not be altered, changed, interlined or in any manner mutilated by any person except by order of the trial judge, or judges authorized to sign the same, but if counsel have objections to any part of the bill he may so state in writing on a separate paper; and whoever violates this section by any such alteration, change, interlineation or mutilation shall be, by order of the trial judge or judges, punished as for contempt of court. And unless the trial judge or judges shall be absent from the district or circuit as provided in section 5301, the same shall be submitted for his or their signature, not less than five days before the expiration of said fifty days, and if said trial judge or judges find the bill of exceptions to be not correct, he or they shall correct the same or furnish therewith to counsel written minutes wherein the same is to be corrected. Provided, further, that the trial judge or judges may at his or their discretion extend the time for signing such bill of exceptions for a period not exceeding ten days beyond the expiration of said fifty days; which extension must be endorsed on the bill of exceptions by said trial judge or judges.

Absence of trial judge.

Filing and record.

Entry upon journal.

Submission to opposite counsel.

Submission to trial judge or judges for signature.

Extension of time for signing.

SECTION 2. Said section 5302 as amended April 16, 1900, as amended March 25, 1902, as amended April 28, 1902, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 283G

[House Bill No. 653.]

AN ACT

To amend section 2494 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2494 of the Revised Statutes of Ohio be amended so as to read as follows: Lighting of municipality.

Sec. 2494. When it is deemed necessary by the council of any city or village to have any bridge or railway, located in whole or in part in such corporation, owned, possessed, or operated by any individual, company, association or corporation, or any portion of the same, lighted, the council shall pass an ordinance for that purpose, requiring the individual, company, association, or corporation, owning possessing or operating the same, to light such bridge or railway within a specified time; Provided, that it shall not require any such railway or portion thereof to be lighted with electric arc lights. Council to pass ordinance to light bridge or railway. Shall not require railway to use electric arc lights.

SECTION 2. That said original section 2494 be and the same hereby is repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 284G

[House Bill No. 1072.]

AN ACT

To amend section 14 of the act of April 25, 1898, enittled "An act to authorize the use and purchase of voting machines for any or all elections to be held within any city, town or village of the state, and for the appointment of commissioners," (93 O. L., 277).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 14 of the act of April 25, 1898, entitled "An act to authorize the use and purchase of voting machines for any or all elections to be held within Conduct of elections:

any city, town or village of the state, and for the appointment of commissioners." (93 O. L., 277), be so amended as to read as follows:

Application of existing laws; conflicting laws not to apply.

Sec. 14. All the provisions of the election law not inconsistent with this act shall apply to all elections in the precincts where such voting machines are used. And any provisions of law which conflict with the use of such machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by use of said ballot machine or voting machines; provided,

Provision for adoption of voting machine upon petition of sixty-five per cent. of electors.

that in lieu of the submission of the question to the qualified electors in any city, village, town, precinct, or other civil division of the state, of adopting a voting machine or machines therein, as provided for in section one of this act, as amended April 16, 1900 (94 O. L., 308), it shall be the duty of any body or board of public officials or any officer or officers, or board of elections, or deputy state supervisors of elections, charged by law with the duty of providing materials and supplies for holding an election or elections, upon presentation of a petition signed by sixty-five per centum of the electors of any precinct, ward, township, village, city or county, voting at the last preceding general election, praying for the adoption of a voting machine or machines to be used at all the voting or polling places in such precinct, ward, township, village, city or county, to ascertain and declare whether or not sixty-five per centum of such electors have signed such petition, by comparing the names on such petition with the poll books of such election, if the same have been preserved, otherwise upon satisfactory evidence. And if it appear that sixty-five per centum of such electors have so signed such petition, a voting machine or machines shall thereupon be deemed adopted for use, and shall be used, at all elections thereafter to be held in all the voting or polling places in such precinct, ward, township, village, city or county. And thereupon such body or board of public officials, or any officer or officers, or board of elections, or deputy state supervisors of elections, so charged by law with the duty of providing materials and supplies for holding elections in any such precinct, ward, township, village, city or county, may purchase and provide such voting machine or machines, the cost of which, when purchased and provided by any board or officer of a city shall be borne and paid by any such city, out of its general revenue fund, upon vouchers of such board or officer, made and certified, if by a board, by the president and secretary thereof, and if by an officer, by such officer, which shall be allowed by the city comptroller, city auditor, or director of accounts, in cities having such officers, and in other cities by the city clerk or other accounting officer, and upon his warrant paid by the treasurer of any such city; and when purchased and provided by any board or officer of a county, shall be paid out of the general fund of the county treasury, upon the written approval of a majority of the county commissioners, upon vouchers

of such board of officers, made and certified, if by a board, by the president and secretary, and if by an officer, by such officer. Upon presentation of such voucher or vouchers the county auditor shall issue his warrant upon the treasurer for the amount thereof, and the treasurer shall pay the same. Such vouchers shall, in all cases, be paid in the order of priority with respect to the presentation of claims against such general funds.

SECTION 2. That section 14 of the act of April 25, 1898, entitled "An act to authorize the use and purchase of voting machines for any and all elections to be held within any city, town, or village of the state, and for the appointment of commissioners," (93 O. L., 277), be and the same is hereby repealed. Rep'd.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May —, 1902. 2856

[House Bill No. 139.]

AN ACT

To amend section 409-28, 409-29, 408-32, [409-32], 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147 and 2148 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 409-28, 409-29, 409-32, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147 and 2148 of the Revised Statutes of Ohio, be so amended as to read as follows: **Boards of health:**

Sec. 409-28. It shall be the duty of the boards of health, health authorities or officials, and of physicians in localities where there are no health authorities or officials, to report to the state board of health, promptly upon the discovery thereof, the existence of any one of the following diseases which may come under their observation, to-wit: Local reports to state board of existence of contagious or infectious diseases.

Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, membranous croup, typhus or typhoid fever, and of such other contagious or infectious diseases as the state board of health may from time to time specify. And when any contagious or infectious disease shall become or threaten to become epidemic in any city, village, hamlet or township, and the local authorities shall neglect or refuse to enforce efficient measures for its prevention, the state board of In case of epidemic, sanitary officer may be appointed to enforce orders.

health, or the secretary as its executive officer, on the order of the president of said board, may appoint a medical or sanitary officer and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary.

Prosecutions.

Sec. 409-29. All prosecutions and proceedings instituted by the state board of health, for the violation of any of the provisions of this chapter, or any other laws to be enforced by this board, or for the violation of any of the orders or regulations of the state board of health, shall be instituted by its secretary on the order of the president of said board; and all laws prescribing the modes of procedure, courts, practice, and penalties or judgments applicable to local boards of health, shall apply to the state board of health, and the violation of its laws or orders; and all fines or judgments collected or received, shall be paid over to the state treasurer, and credited to the fund created for the support of the state board of health.

Disposition of fines.

Annual report of state board to governor.

Sec. 409-32. It shall be the duty of the board of health to make an annual report, through their secretary or otherwise, in writing, to the governor of the state, on or before the first day of January of each year, which shall be for the preceding calendar year, and such report shall include so much of the proceedings of the board, and such information concerning vital statistics, such knowledge respecting diseases, and such instructions on the subject of hygiene as may be thought useful by the board for dissemination among the people, with such suggestions as to legislative action as they may deem necessary.

How boards established and constituted in municipalities.

Sec. 2113. The council of each city, and village, and the trustees of each hamlet, except as hereinafter provided, shall establish a board of health; such board shall be composed of five members, to be appointed by council, and in hamlets by the trustees who shall serve without compensation, and a majority of whom shall constitute a quorum; and the mayor shall be president by virtue of his office. In hamlets and in villages of less than two thousand (2,000) inhabitants the council, and in hamlets the trustees, may appoint a health officer instead of a board of health, and fix his salary and term of office, such appointee to be approved by the state board of health, who shall have all the powers and perform all the duties granted to or imposed upon boards of health, except that all rules, regulations or orders of a general character and required to be published made by such health officer shall be approved by the state board of health.

Application of section to certain cities.

Provided, that none of the provisions of this section shall apply to cities of the first class nor to cities of the first or second grade of the second class, nor to cities of the second class, third grade *a*, and third grade *c*. And provided further, that the board of public affairs of cities of the second class, third grade *a*, and third grade *c*, shall have the powers and perform the duties conferred and imposed upon the board of health by chapter one,

division six, title twelve of the Revised Statutes of Ohio. And if any city, village, hamlet or township fails or refuses to establish a board of health or appoint a health officer the state board of health may appoint a health officer for such city, village, hamlet, or township and fix his salary and term of office, and such health officer shall have the same powers and duties as health officers appointed in hamlets and villages in lieu of a board of health as herein provided, and the salary of such health officer, as fixed by the state board of health, and all necessary expenses incurred by him in performing the duties of a board of health shall be paid by and be a valid claim against the city, village, hamlet or township for which such health officer is appointed to serve.

State board may appoint health officer upon failure of municipality to establish board of health.

Compensation and how paid.

Sec. 2114. The term of office of the members of the board shall be five years from the date of appointment, and until their successors have been appointed and qualified, except that those first appointed shall be classified as follows:

Term of office of members.

In place of the two members of the board of health whose term of office shall first expire, one shall be appointed for five years; in place of the two members of the board whose term of office shall next expire, one shall be appointed for two years and one for three years, and in place of the two members of the board whose terms of office shall thereafter expire, one shall be appointed for four years and one for five years.

Sec. 2115. The board shall appoint a health officer, who shall be the executive officer, who shall furnish his name and address and such other information as may be required by the state board of health; and shall appoint a clerk, and may appoint as many ward or district physicians as it may deem necessary for the care of the sick poor. The board of health shall also have power to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require, and such persons shall have general police powers, and be known as the sanitary police. The board shall have exclusive control of their appointees, and define their duties and fix their salaries; and all such appointees shall serve during the pleasure of the board.

Board shall appoint health officer, clerk, etc.

Sec. 2116. The board of health in cities and villages shall elect one of their number president pro tem., who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. All special meetings of the board shall be called by the president or three members thereof. The clerk of the board shall keep a full and accurate record of all proceedings of the board, together with a record of all births, deaths and cases of contagious diseases reported to the health officer,

President pro tem.

Meetings of board.

Duties of clerk.

and at the expiration of his term of office shall turn over to his successor all books, records, papers, and other matter belonging to the board. Each board of health, or the health officer where there is no board of health, shall procure suitable books, blanks, and other things actually necessary to the transaction of its business. Among the books to be procured and kept shall be a suitable book or books for the registration of births and deaths, and cases of infectious or contagious disease.

Township board of health; duties and powers; organization.

Sec. 2117. In each township the trustees of the township shall constitute a board of health, which shall be for the township outside the limits of any city or village, and such boards shall have the same duties and powers as are herein imposed or granted to boards of health in cities and villages. They shall annually elect one of their number president, and the township clerk shall be clerk of the board of health; they shall appoint a health officer and may appoint as many sanitary officers as they deem necessary to carry out the provisions of this act, and define their duties and fix their compensation, and such appointees shall serve during the pleasure of the board. Township boards of health shall meet annually and at such other times as they may deem necessary.

Orders and regulations of city, village, hamlet or township board.

Sec. 2118. The board of health of any city, village, hamlet or township may make such orders and regulations as it may deem necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded and certified as are ordinances of cities and villages; and the record thereof shall be given, in all courts of the state, the same force and effect as is given such ordinances; and in townships the posting of such orders and regulations in five conspicuous places within the township shall be deemed a sufficient notice thereof.

Penalty for violation of this act.

Sec. 2119. Whoever violates any provisions of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of any such order, or wilfully or illegally omits to obey any such order, shall be fined in any sum not exceeding one hundred dollars or imprisoned for any time not exceeding ninety days, or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

Violation by a corporation.

Sec. 2120. If such violation, obstruction, interference or omission be by a corporation, it shall forfeit and pay to the proper city, village, hamlet or township, any sum not exceeding three hundred dollars, to be collected in a civil action brought in the name of the city, village, hamlet or

township; and any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine or imprisonment, or both as heretofore provided. The judgment herein authorized being in the nature of a penalty, or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory or extenuating, adduced upon the trial.

Prosecutions; how instituted.

Sec. 2121. Prosecutions under this chapter and the civil action provided for in the preceding section, shall be instituted before any justice of the peace within the county, or justice of the peace, mayor or police judge of the city or village where the offense was committed, or the offending person resides. If imprisonment is, or may be a primary penalty, the court shall, after plea of not guilty, unless a trial by jury is waived, issue a venire to any constable of the county, containing the names of sixteen electors residing within the county, to serve as jurors to try such cause. Each party shall be entitled to two peremptory challenges, and challenges for cause in all particulars, as in criminal cases in the court of common pleas. If the sixteen names be exhausted without obtaining a panel of twelve, the court may direct the constable to summon any of the bystanders to fill the panel to twelve, or on demand, shall issue other venires for four electors at a time, until the panel of twelve is full. In prosecutions under this chapter, no deposit for costs shall be required; and a judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions; and all fines collected under this chapter shall be paid to the treasurer of the municipality or township and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made.

Abatement of nuisances by board of health.

Sec. 2122. The board of health shall abate and remove all nuisances within its jurisdiction. It may compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure upon or in which any nuisance may be, to abate and to remove the same by orders therefor, and treat the neglect or refusal to obey orders for such purpose as a misdemeanor punishable as hereinbefore provided. The board of health may regulate the location, construction, repair, use, emptying, and cleaning of all water-closets, privies, cess-pools, sinks, plumbing, drains, yards, pens, stables, or other places where offensive or dangerous substances or liquids are or may accumulate, and when any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health,

and when any building or structure is occupied or rented for living or business purposes, and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board of health may declare the same a public nuisance and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified by disinfection by the owner, agent or other person or persons having control of the same, or being responsible for the condition; and the refusal or neglect to obey said order shall be a misdemeanor, punishable as hereinbefore provided. The board may also, by its officers and employes, remove, abate, suspend, alter, or otherwise improve or purify by disinfection the same, and certify the cost and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon the same, and collected as other taxes.

Proceedings where order of board is neglected or disregarded.

Sec. 2123. In all cases where the order of the board of health is neglected or disregarded, in whole or in part, the board may elect to cause the arrest and prosecution of the person or persons offending as hereinbefore provided, or may elect to do and perform, by its officers and employes, what the offending party should have done. If the latter course is chosen, before the execution of the order of the board is begun, it shall cause a citation to issue, and be served upon the person or persons responsible, if residing within the jurisdiction of the board; but if not, shall cause it to be mailed by registered letter to said person, if the address is known or can be found by ordinary diligence; and if the address cannot be found by ordinary diligence, shall cause the citation to be left upon the premises, in charge of any person residing thereon; otherwise it shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint, and require the owner or other person or persons responsible, to appear before the board of health at a time and place stated, or as soon thereafter as a hearing can be had, and show cause, if any, why the board should not proceed and furnish the material and labor necessary to, and remove the cause of complaint.

Further proceedings.

Sec. 2124. If the person or persons cited appear, he or they shall be fully apprised of the cause of complaint and given a fair hearing. The board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the person or persons cited promise, within a definite and reasonable time, to furnish the same, the board shall grant such time; but if no such promise is made, or kept, the board shall furnish the material and labor, cause the work to be done, and certify the cost and expense to the auditor of the county. If the material and labor are itemized, and the statement is accompanied by the certificate [of the president] of the board, attested by the clerk, reciting the order of the board, and that the amount is correct, the audi-

tor shall have no discretion, but shall place the sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property, and be paid as other taxes are paid.

Duty of physician, house owner, etc., to give notice of prevalence of infectious diseases; duty of board thereafter.

Sec. 2125. Every physician or other person called to attend any person who is suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or typhoid fever, or any other disease dangerous to the public health, or required by the state board of health to be reported, shall report the same to the health officer within whose jurisdiction such person is found, giving in such report the name, age, sex and color of the patient, and the house or place in which such person may be found; and in like manner it shall be the duty of the owner or agent of the owner of a building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family, immediately after becoming aware of the fact, to give notice thereof to the health officer; and when complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in any house or other locality which has not been reported as hereinbefore required, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the board may, as it deems best, send such person so diseased to a quarantine hospital or other place provided for such persons, or may restrain them and others exposed within said house or locality from intercourse with other persons, and prohibit ingress and egress to or from such premises.

Quarantine of person having or having been exposed to contagious disease.

Sec. 2126. It shall be the duty of the board of health when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever is reported within its jurisdiction, to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the board of health; and no person quarantined by a board of health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health; and every physician attending a person affected with any of the aforementioned diseases shall use such precautionary measures to prevent the spread of the disease as may be required by the board of health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected

by the board of health, and where other inmates of said house have been exposed to and are liable to become ill of any of said diseases, for a period thereafter counting from the completion of disinfection, as follows, to-wit: in diphtheria or membranous croup, 14 days; in smallpox, 17 days; in scarlet fever, 10 days; in cholera or yellow fever, 7 days; in typhus fever, 21 days; and in cases of measles, chickenpox and whooping cough, or either of them, the board of health may require the same report of cases and may enforce the same quarantine and other preventive measures as are provided for in this chapter in cases of scarlet fever, or diphtheria. The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious disease, or the orders of any board of health made in pursuance thereof.

Penalty for appearance in public place of person suffering with contagious disease.

Penalty for unlawful disposal of infected property.

Sec. 2127. Any person who, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, wilfully or unlawfully exposes himself in any street, shop, inn, theatre or other public place or public conveyance, or being in charge of any person so suffering so exposes such sufferer, or gives, lends, sells, transmits or exposes, without previous disinfection by the board of health, or under its direction, any bedding, clothing, rags or other thing which has been exposed to infection from any such disease, or who knowingly lets for hire any house, room or part of a house in which any person has been suffering from any such disease, prior to such house, room, or part of a house having been disinfected by the board of health, shall be guilty of a misdemeanor and punishable as hereinbefore provided.

Disinfection of house in which person has been ill with contagious disease; procedure.

Sec. 2128. It shall be the duty of every physician who is attending a person affected with smallpox, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, when such person has recovered and is no longer liable to communicate the disease to others, or has died, to furnish a certificate to the proper board of health of such recovery or death, and as soon thereafter as the board of health deems it advisable its health officer or other person appointed for that purpose shall thoroughly disinfect and purify the house and contents thereof in which such person has been ill or has died, which disinfection and purification shall be done in accordance with the rules and regulations adopted and promulgated by the state board of health, and the local board of health may purchase such disinfecting apparatus and supplies as it deems necessary for such purpose; and upon the request of the owner or occupant of any dwelling or house, or the head of any

family, the board of health shall purify and disinfect any room which has been occupied by any person suffering from pulmonary tuberculosis, commonly called consumption, or room in which any person has died from said disease; the expenses of disinfection shall be paid by the local board of health, and said board may destroy any infected clothing, bedding, or other article which cannot be made safe by disinfection, and shall furnish to the owner thereof a receipt, of which it shall keep a full and accurate copy, for articles so destroyed, which receipt shall show the number, character, condition and estimated value of the articles destroyed, and when any building, hut, or other structure has become infected with smallpox or other dangerous communicable disease, and cannot, in the opinion of the board of health, be made safe by disinfection, the board may have such building, hut, or other structure appraised and destroyed, and the council of cities and villages, or other board or body having the powers of council, and the trustees of hamlets and townships, upon the presentation of the original receipt or written statement of the appraisers for articles or houses so destroyed, shall pay to the owner thereof, or other person authorized by the owner to receive the same, the estimated value of such destroyed articles, or such sum as the council or other legislative body may deem a just compensation therefor, and in the event the owner is not satisfied with the amount so allowed he may sue for the value thereof. When a house or other place is quarantined on account of contagious disease it shall be the duty of the board of health having jurisdiction to provide for all persons confined in such house or place, food, fuel, and all other necessaries of life, including medical attendance, medicine and nurses, when necessary; the expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not by the city, village, hamlet or township in which he or they were quarantined, provided that when a person with a contagious disease quarantined in any county is a legal resident of some other county of this state, and is unable to pay such expenses, they shall be paid by the county in which he has a legal residence, if notice and a sworn statement of the amount of such expenses are sent to the infirmary directors of said county within thirty days after the quarantine in such case was discharged.

Destruction of infected property.

Compensation for property destroyed.

Maintenance of person confined in quarantined house.

SEC. 2129. No person residing in or occupying any house in which there is a person suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, or scarlet fever, shall be permitted to attend any public, private, or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided for in such diseases in section 2126 has been removed by the

Person residing in quarantined house shall not attend any public gathering until quarantine is removed.

board of health, and all school principals, Sunday school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such persons until such time as they may present a written permit of the board of health to attend or reënter such schools.

Hospital for treatment of persons suffering from contagious disease; bond issue.

SEC. 2130. The council or other legislative body of any city may purchase land or lands within or without its boundaries and erect thereon suitable hospital buildings for the isolation, care or treatment of persons suffering from a dangerous contagious disease, and provide for the maintenance of such hospital; the plans and specifications for such building or buildings shall be approved by the board of health, and the council or other legislative body is hereby authorized to issue bonds; if after an election held for that purpose, two-thirds of the votes cast at said election are in favor of said issue, in any amount not to exceed $25,000, and at a rate of interest not to exceed 5 per cent per annum, the principal to be paid within ten years and the proceeds applied for the purposes aforesaid, and after the erection of such hospital buildings the council or other legislative body may annually make such appropriations for their use, care and maintenance as in its judgment are necessary. Said hospital buildings shall be under the charge and control of the board of health of such city, said board to appoint all employes or other persons necessary to the use, care and maintenance of such hospital buildings, and to regulate the entrance of patients thereto, and their care and treatment therein. When any person suffering from any dangerous contagious disease is found in any hotel, lodging house, boarding house, tenement house or other public place in any city, the board of health may, if it deems it necessary for the protection of the public health, remove such person to the hospital herein provided for, where all needful provisions shall be made for his care and treatment, and the expenses so incurred shall be paid by such person, if such person is able to pay said expenses. Any city, village, hamlet or township may establish a quarantine hospital, within or without its own limits, but if such place be without its limits, the consent of the municipality or township within which it is proposed to establish it shall be first obtained, provided that such consent shall not be necessary if such hospital is more than 800 feet from any occupied house or public highway; and when great emergency exists, the board of health may seize and occupy and use temporarily for such quarantine hospital any suitable vacant house or building within its jurisdiction, and the board of health of the city, village, hamlet or township having a quarantine hospital shall have exclusive control of the same.

Quarantine hospital.

Disposal of bodies of persons dying of contagious diseases.

Sec. 2131. The bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or other dangerous contagious or infectious disease shall be buried or cremated

within twenty-four hours after death except by written permission of the board of health, and no public or church funeral shall be held in connection with the burial of a person who has died of any of the above named diseases, and the body of any such person shall not be taken into any church, chapel, or other public place, and only the adult members of the family and such other persons as are actually necessary shall be present at the burial or cremation of such body.

Admission of persons suffering with contagious disease into prisons or benevolent institutions.

Sec. 2132. No person suffering from smallpox, or other dangerous contagious or infectious disease shall be sent to or admitted into any prison, jail, workhouse, infirmary, childrens' or orphans' home or state hospital or institution for the insane, epileptic, blind, feeble-minded, or deaf and dumb, or other state or county benevolent institution, and no person who has been exposed to, and is liable to become ill of any such disease shall be sent to any such hospital, home or institution hereinbefore mentioned without first making known the facts concerning such exposure to the superintendent, manager or other person in charge thereof; and when smallpox or other dangerous contagious or infectious disease is present in any jail or prison, and a prisoner therein who has been exposed to any such disease has been sentenced to the penitentiary, such prisoner shall be confined and isolated in such jail or prison or other proper place upon the order of the proper court for such time as is necessary to establish the fact that he had not contracted the disease to which he was exposed.

Contagious disease in prison or benevolent institution.

When smallpox, cholera, yellow fever, diphtheria, scarlet fever, or other dangerous contagious or infectious disease appears in any prison, jail, workhouse, infirmary, childrens' or orphans' home, state hospital for the insane, or epileptic, or institution for the blind, feeble-minded or deaf and dumb, or other state or county benevolent institution, the superintendent or manager thereof shall at once isolate the person or persons affected with any such disease and enforce the provisions of this chapter for the prevention of contagious diseases, in so far as they can be applied, and the rules, regulations and orders of the state board of health to that effect, and the trustees or managers of any such institution shall have authority to erect any necessary temporary buildings for the reception of any such person or persons, or for the detention of any person or persons who have been exposed to any such disease and may remove any such persons to and confine them in such building or buildings; and such trustees or managers may contract for the care, treatment or detention of any such persons with any corporation having a hospital or other proper place for the isolation and care of persons suffering from contagious disease, or exposed thereto, and may remove such persons to such hospital or place, provided that in the case of persons detained in any institution as punishment for any crime an order for such removal shall be obtained from the court having imposed such punishment, and said court, in such order for removal, may require such provis-

ions to be made for safely guarding such prisoner while in such hospital or place as it may deem necessary.

Railroads, vessels, etc., may be subjected to quarantine.

Sec. 2133. The state board of health, or the board of health of any city, village, hamlet or township, in time of epidemic, or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, may, after investigation, establish a quarantine on vessels, railroads, stages, or any other public or private vehicles conveying persons, baggage, or freight, or used for such purpose, and may make and enforce such rules and regulations as such board may deem wise and necessary for the protection of the health of the people of the community or state. Such quarantine and rules and regulations, when established by a local board of health, after careful investigation by the state board of health, may be altered, relaxed, or abolished by order of said board, and thereafter no change shall be made except by the order of the state board of health, or to meet some new and sudden emergenecy.

Effect of declaring quarantine.

Sec. 2134. Whenever quarantine is declared all railroads, steamboats, or other common carriers, and the owners, consignees, or assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed by any board of health or health officer; they shall submit to any examination required by the health or health officer; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives or passengers, and the sanitary condition of the baggage and freight; and any owner, consignee or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace, having jurisdiction be subjected to the penalties herein provided for violations of the requirements of this chapter and the orders of the state or local boards of health.

To whom and what quarantine rules shall apply.

Sec. 2135. All rules and regulations passed by the board of health or health officer, shall apply to all persons, goods, or effects arriving by railroad, steamboat, or other vehicle of transportation, after quarantine is declared.

Needful buildings may be erected.

Sec. 2136. The state board of health or any local board of health shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate the same properly, and sufficient police to guard the same. The board of health may cause the disinfection, renovation or complete destruction of bedding, clothing, or other property belonging to corporations or individuals, when such action seems to such board necessary, or a reasonable precaution against the spread of contagious or infectious diseases.

Disinfection, etc., of property.

Board of health in its relation to schools and school buildings.

Sec. 2137. The board of health is hereby required to inspect semi-annually, and oftener if in the judgment of the board it shall be deemed necessary, the sanitary condition of all schools and school buildings within its jurisdiction and may, during an epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, close any school and prohibit public gatherings for such time as it may deem necessary, and may disinfect any school building. The board shall abate all nuisances and may remove or correct all conditions detrimental to health or well-being found upon school property by serving an order upon the board of education, school board, or other person or persons responsible for such property, for the abatement of such nuisance or condition within a reasonable but fixed time, and any person failing to comply with such order, unless it is shown that there was good and sufficient reason therefor, shall be fined in any sum not exceeding one hundred dollars. The board may appoint such number of inspectors of schools and school buildings as it may deem necessary to properly carry out the provisions of this section. The board of health may take measures and supply agents and afford inducements and facilities for gratuitous vaccination.

Gratuitous vaccination.

Power of municipality or township to borrow money and levy tax therefor in time of epidemic or threatened epidemic.

Sec. 2138. In case of any epidemic, or threatened epidemic, or during the unusual prevalence of any dangerous communicable disease, the council of any city or village or trustees of any hamlet or township, if funds are not otherwise available, shall borrow until such time as the next levy and collection thereof be made, and at a rate of interest not to exceed six per cent per annum, any sum of money that the local board of health may deem necessary to defray the expenses necessary to prevent the spread of any dangerous communicable disease, and the board of health may proceed to expend the amount so authorized to be borrowed, which sum, or so much thereof as may be expended, shall be a valid claim against the city, village, hamlet, or township, payable from the fund so created; and when expenses are incurred by the board of health, under the provisions of this chapter, it shall be the duty of council, upon application and certificate from the board of health, to pass the necessary appropriation ordinances to pay the expenses so incurred and certified; and the council is hereby empowered to levy (subject only to the restrictions contained in the ninth division of this title) and set apart the necessary sum to pay such expenses, and to carry into effect the provisions of this chapter, and the provisions of section 2702 shall not apply to the necessary expenses of the board of health, and the trustees of each township may annually levy and set aside for the expenses of the township board of health such sum as they deem necessary.

Inspectors; appointment and duties.

Sec. 2139. The board of health may appoint such number of inspectors of dairies, slaughterhouses, shops, wagons, appliances, food and water supplies for animals,

milk, meat, butter, cheese and substances purporting to be butter or cheese, or having the semblance of butter or cheese and such other persons as may be necessary to carry out the provisions of this chapter, define their duties, and fix their compensation, and the health officer may be appointed and authorized by said board to perform all the duties of such inspectors; and such inspectors may, for such purpose, enter any house, vehicle, or yard; and the board of health shall keep for public inspection a record of the names, residences, and places of business of all persons engaged in the sale of milk or meat, and may require permits, to be renewed semi-annually and for which a charge of not more than fifty cents may be made, after inspection, to vend either milk or meat, and the board may refuse to grant such permit or revoke one already given if, upon inspection, the cows or milk are found to be kept in an unsanitary condition; and the board may require a certificate from a licensed veterinarian showing the cows furnishing milk brought for sale within its jurisdiction are free from tuberculosis or other dangerous disease, and should scarlet fever, typhoid or other dangerous contagious or infectious disease occur in the family of any of any dairyman or among his employes, or in any house in which milk is kept for sale, it shall be the duty of such dairyman or vendor of such milk to immediately notify the health officer of the city, village or hamlet in which such milk is sold, or is offered for sale, of the facts of the case, and the health officer may order the sale of such milk stopped, pending an investigation to be made without delay, and for such time thereafter as the board of health may require; and the board of health may make and enforce such orders as it may deem necessary to prevent the sale of impure, adulterated and unwholesome milk, or milk liable to carry disease.

Record of meat and milk dealers; permit.

Sec. 2140. All dairies, including the cows, cow stables, milk-houses, and milk-vessels, the owners of which offer for sale within the limits of the corporation milk or butter manufactured by such owners, shall be subject to inspection by the inspectors, and also any manufactory of butter or cheese, or place where such substances or either of them are sold, shall be subject to inspection by the inspectors; the inspector may enter any place where milk is sold, or kept for sale, and all carriages used for the conveyance of milk within the corporate limits; and also any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese, are manufactured, or any place where such substances are sold, or kept for sale within the corporate limits; and whenever he has any reason to believe milk found therein is impure or adulterated, or any butter or cheese, or substances having the semblance of butter or cheese found therein contain any impure, unwholesome or deleterious substances, or is being sold or offered for sale under any false, or deceptive name or designation, that any butter or cheese not made from pure cream or milk, or any substance having the semblance of butter or cheese, is being sold or offered for sale, without being branded or

Places where meat, butter, cheese, etc., are made, subject to inspection.

Analysis of milk, butter, etc.

stamped, as required by section seven thousand and ninety, he shall take specimens thereof and subject them to satisfactory tests; or, if the board of health so direct, to chemical analysis, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyst shall be admissible in evidence in all prosecutions under this chapter, or any law of this state.

Registration of births, marriages, deaths, interments, etc.; removal or conveyance of corpse.

Sec. 2141. The board of health may create a complete and accurate system of registration of births, marriages, deaths and interments occurring within its jurisdiction, for the purpose of legal and genealogical investigations, and to furnish facts for statistical, scientific [and sanitary] inquiries; and no corpse shall be buried or cremated within the state of Ohio, or taken out of the state without a permit from the board of health where the death occurred, and before granting such permit the board of health, if the corpse is to be transported beyond its jurisdiction, shall receive from the undertaker or person in charge of the corpse a written certificate certifying that it has been prepared in accordance with the rules of the state boaord of health, and any person wilfully making a false statement relative to the preparation of a corpse shall be punished as provided in section 2119 of this chapter; and no sexton, superintendent, or other person in charge of any cemetery, burial grounds, or crematory shall receive a corpse for burial, or cremation, unless accompanied with the permit of the board of health provided for herein, and no common carrier, its agent, conductor or other employe shall receive for conveyance, or convey the remains of a deceased person without having first complied with such regulations as shall be made by the state board of health.

Scavengers; employment of.

Sec. 2142. The council may grant power to the board of health to employ such number of scavengers for the removal of swill, garbage and offal from the houses, buildings, yards, and lots within the city or village as it may deem necessary; and the board in such cases may make the contracts [therefor] thereof, subject to the approval of the council, and to be signed by the proper officers of the council, and may regulate the work to be done, and it shall be the duty of council, upon the request of the board of health, to lease or purchase suitable land or lands, the location of which shall be approved by the board of health, to be used as a dump ground for garbage, swill, offal, night soil and other noxious substances to be removed from such city or village.

Definition of sanitary plant.

Sec. 2143. The expression "sanitary plant" as herein used, shall be held to mean a structure with the necessary land and all the necessary fixtures and appliances and appurtenances required for the treatment and purification and disposal, in a sanitary manner, of either or both the liquid or solid wastes of the municipality.

Plans and estimates; condemnation of lands for sanitary plant.

Upon the recommendation of the board of health of any city, village, or hamlet, or if in any municipality, the powers usually vested in a board of health, have been vested in any other officer or board, then upon the recommendation of such officer or board, the city

council, legislative body or other governing board, of any municipality, is hereby authorized to cause plans and estimates to be prepared and to acquire by condemnation or otherwise such land or lands within or without corporate limits, as may be necessary to provide for the proper disposal, in a sanitary manner, of the sewage and the garbage and waste matters, or either or any of them of the municipality, and such council, legislative body or other governing board of the municipality, is hereby authorized, upon first obtaining the approval of the state board of health, to contract for, erect and maintain a sanitary plant or plants, on the land or lands acquired under the provisions of this act, together with all buildings, machinery, appliances and appurtenances, necessary for the disposal, in a sanitary and economic manner, of the sewage and garbage, night soil, dead animals, offal, spoiled meats, and fish or any putrid substance, or any liquid or solid wastes, or any substance injurious to health of the municipality.

Collection, removal and disposal of garbage, night soil, etc.

Sec. 2144. The said council, legislative body or other governing board, is hereby authorized to contract, for a period not exceeding five years for the collection and removal of such garbage, night soil, dead animals and other solid waste substances, at the expense of such municipal corporation, or at the expense of persons responsible for the existence of such waste substance.

How funds raised for such purpose.

Sec. 2145. For the purpose of carrying into effect the foregoing powers, the councils of cities, legislative bodies or governing boards of any municipal corporation or township may use any funds raised, or heretofore authorized in any manner and necessary for said purposes, and in case no funds are available and no bonds have been heretofore authorized for said purposes, and it be necessary to issue and sell bonds for said purposes, then the question of issuing any bonds of the municipality shall be submitted at an election conducted therefor in conformity with provisions of section 2836, except that a majority of the votes cast shall be deemed sufficient to authorize the municipal corporation to issue said bonds under this act, and the council or other legislative body shall not have authority to issue the said bonds unless a majority of the qualified electors of such municipality voting shall be in favor of the proposition to issue said bonds for said purposes.

Appointment of sanitary board.

Sec. 2146. Before submitting said proposition to a vote of the people, the city council, or other legislative body of said municipal corporation may by resolution, determine to have all the work in connection with the erection and maintenance of said sanitary plant and the acquisition of the necessary real estate therefor, put under the control of a sanitary board, which shall be appointed before the vote is taken.

Constitution of board; how appointed; term.

Said board shall consist of two citizens from each of the two political parties casting the highest vote at the last preceding municipal election, who shall be appointed by the mayor by and with the consent and approval of the city council, or

other legislative body of said municipal corporation, and shall serve for a term of two years and until their successors are duly appointed. Said board shall have such reasonable compensation as the city council or other legislative body of said municipal corporation may prescribe, and shall have entire control of the erection and maintenance of said sanitary plant and the purchase of the necessary real estate therefor on behalf of said municipal corporation and may, in its discretion, modify said original plans and specifications, subject, however, to the approval of the state board of health, and provided, that the total cost thereof shall not exceed the original estimate.

Compensation and powers of board.

Sec. 2147. For the purpose of providing a fund for the payment of the principal and interest of the bonds issued under this act, and of maintaining said sanitary plant or plants, said city council or other legislative body shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all the property subject to taxation in said municipal corporation and such taxes shall be levied and collected in the same manner as other taxes; and the proceeds thereof shall constitute the "sanitary fund" of said municipal corporation, and shall be held like other funds of said municipal corporation subject only to the written order of said city council or other legislative body, or governing or sanitary board of said municipal corporation which shall have control of said work.

Levy for sanitary fund.

Sec. 2148. It shall be the duty of the board of health, or health department, on or before the fifteenth day of January of each year to make a report, in writing, to the council of the corporation, and to the state board of health, which shall be for the preceding calendar year, upon the sanitary condition and prospects of such city or village, which report shall contain the statistics of deaths, the action of the board and its officers and agents, and the names thereof for the past year; and it may contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health; and it shall be the duty of said boards of health and health departments to promptly furnish such special reports as may be called for by the state board of health.

Sanitary report; its contents, etc.

SECTION 2. That said sections 409-28, 409-29, 409-32, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, and 2148 be and the same are hereby repealed.

Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902.

[Senate Bill No. 293.]

AN ACT

To authorize cities to issue bonds for park purposes.

Be it enacted by the General Assembly of the State of Ohio:

Cities authorized to issue bonds for park purposes.

SECTION 1. That any city in the state of Ohio be and the same is hereby authorized to issue, in addition to any bonds heretofore authorized to be issued, the bonds of any such city in any sum or sums, not exceeding in amount such a sum as shall be eight-tenths of one per centum of the total valuation for taxation of all taxable property within such municipal corporation, as the same shall appear upon the county duplicate for the year in which such bonds are issued, said bonds to be issued and sold in the manner prescribed by law. The proceeds of any bonds issued under authority of this act shall be exclusively used to acquire and improve the necessary land for the establishment of a park in connection with public buildings in any such city.

Shall not be considered as increasing aggregate city debt.

SECTION 2. Bonds issued under authority of this act shall not be considered as increasing the aggregate debt of any such city, as contemplated in section 2704 of the Revised Statutes of Ohio.

Submission of question of bond issue to vote, etc.

SECTION 3. Before any such bonds are issued such question shall be submitted to the voters of such city at a special or general election, such election to be designated by ordinance duly adopted by the council of such city, and which ordinance shall contain a description of the land and specify the purposes for which the proceeds of such bonds are to be expended and if a majority of the voters voting at such election, upon the question of issuing the bonds, vote in favor thereof, then and not otherwise, the bonds shall be issued and the taxes levied.

SECTION 4. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 2870

[House Bill No. 1080.]

AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Schoolhouses and libraries: Cleveland Library tax and how expended.

SECTION 1. That section 4002 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may

levy annually a tax of eight-tenths of one mill on each dollar valuation of the taxable property of the city, and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as are school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation of the librarian, assistants and help that may be incurred in increasing and maintaining the library, and all claims against said fund shall be approved by the president and secretary of said library board and paid upon the warrant of the auditor of the board of education in the manner now provided by law for the payment of claims against said city.

SECTION 2. That original section 4002 be, and the same is hereby repealed, and this act shall take effect on and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 288G

[House Bill No. 128.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3951 of the Revised Statutes of Ohio, as amended March 29, 1900, be amended so as to read as follows: School funds:

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the state common school fund," and for the purpose of higher, agricultural and industrial education, including manual training, there shall be levied and collected in the same manner a tax on the grand list of taxable property of the state, which shall constitute "the Ohio state university fund." The rate for such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year the same shall be for "the state common school fund" ninety-five one-hundredths of one mill, each year for the years 1902 and 1903, and one mill each "The state common school fund" and "Ohio state university fund."

[Senate Bill No. 293.]

AN ACT

To authorize cities to issue bonds for park purposes.

Be it enacted by the General Assembly of the State of Ohio:

Cities authorized to issue bonds for park purposes.

SECTION 1. That any city in the state of Ohio be and the same is hereby authorized to issue, in addition to any bonds heretofore authorized to be issued, the bonds of any such city in any sum or sums, not exceeding in amount such a sum as shall be eight-tenths of one per centum of the total valuation for taxation of all taxable property within such municipal corporation, as the same shall appear upon the county duplicate for the year in which such bonds are issued, said bonds to be issued and sold in the manner prescribed by law. The proceeds of any bonds issued under authority of this act shall be exclusively used to acquire and improve the necessary land for the establishment of a park in connection with public buildings in any such city.

Shall not be considered as increasing aggregate city debt.

SECTION 2. Bonds issued under authority of this act shall not be considered as increasing the aggregate debt of any such city, as contemplated in section 2704 of the Revised Statutes of Ohio.

Submission of question of bond issue to vote, etc.

SECTION 3. Before any such bonds are issued such question shall be submitted to the voters of such city at a special or general election, such election to be designated by ordinance duly adopted by the council of such city, and which ordinance shall contain a description of the land and specify the purposes for which the proceeds of such bonds are to be expended and if a majority of the voters voting at such election, upon the question of issuing the bonds, vote in favor thereof, then and not otherwise, the bonds shall be issued and the taxes levied.

SECTION 4. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 287

[House Bill No. 1080.]

AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Schoolhouses and libraries: Cleveland Library tax and how expended.

SECTION 1. That section 4002 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may

levy annually a tax of eight-tenths of one mill on each dollar valuation of the taxable property of the city, and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as are school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation of the librarian, assistants and help that may be incurred in increasing and maintaining the library, and all claims against said fund shall be approved by the president and secretary of said library board and paid upon the warrant of the auditor of the board of education in the manner now provided by law for the payment of claims against said city.

SECTION 2. That original section 4002 be, and the same is hereby repealed, and this act shall take effect on and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 288G

[House Bill No. 128.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3951 of the Revised Statutes of Ohio, as amended March 29, 1900, be amended so as to read as follows: School funds:

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the state common school fund," and for the purpose of higher, agricultural and industrial education, including manual training, there shall be levied and collected in the same manner a tax on the grand list of taxable property of the state, which shall constitute "the Ohio state university fund." The rate for such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year the same shall be for "the state common school fund" ninety-five one-hundredths of one mill, each year for the years 1902 and 1903, and one mill each "The state common school fund" and "Ohio state university fund."

year thereafter; for the "Ohio state university fund," fifteen one-hundredths of one mill upon each dollar of valuation of such taxable property, each year for the years 1902 and 1903, and ten-hundredths of one mill each year thereafter.

Repeals, etc.

SECTION 2. Said section 3951 of the Revised Statutes of Ohio as amended March 29, 1900, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 8, 1902. 289G

[House Bill No. 1060.]

AN ACT

To repeal sections 2780-1, 2780-2, 2780-3, 2780-4, 2780-5 and 2780-6 of the Revised Statues of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Excise tax on express companies; repeal of act authorizing.

SECTION 1. That sections 2780-1, 2780-2, 2780-3, 2780-4, 2780-5 2780-6 of an act passed May 14, 1894 (91 O. L., pages 237, 238, 239, 240 and 241 inclusive), providing for an excise tax on express companies, be and the same are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 290G

[House Bill No. 522.]

AN ACT

To further supplement section 3958 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3958 of the Revised Statutes of Ohio be further supplemented by the following sections, with the sectional number respectively as follows:

Provisions regulating levying of taxes and making appropriations and expenditures for school purposes in Cincinnati.

Sec. 3958-1. The provisions, requirements, limitations, and inhibitions of the following sections of the Revised Statutes of Ohio, to-wit: section 2690*f*, 2690*g*, 2690*h*, 2690*i* and 2690*j*, shall apply to and govern the levying of taxes and the making of appropriations and expenditures for school and educational purposes, in and for the school district of any city of the first grade of the first class or

of which any such city is a part, in all respects and as fully as said sections apply to and govern any such city in the levying of its taxes and in providing for its yearly expenditures; and it shall be unlawful in and for any such school district, or in and for any such school district of which any such city is a part, to levy any tax for school and educational purposes, or to make any expenditure from any school or educational funds, without the action thereon of the city auditor of any such city and its board of legislation and its board of supervisors, acting as its board of tax commissioners, in the manner prescribed in and by said several sections of the Revised Statutes. Provided, however, that any moneys in any such school or educational fund or funds, not expended on December 31st of any year, shall be available for expenditures if reappropriated in the year next following. Provided, further, that a contingent fund may be set apart from the said school and educational funds in each semi-annual appropriating ordinance not exceeding ten thousand dollars, which may, during the year for which it is set apart on the order of the board of education having jurisdiction over any such school district, be expended for any lawful purpose not foreseen when the estimates or appropriations were made, or in case there be a deficiency in any of the appropriations. Provided further, that in the year 1902, the report required by section 2690*i* shall be made by such board of education on or before the first Monday of May of said year, and that the statements required by said section 2690*f* shall be made by the said auditor, as to the tax for school and educational purposes, on or before the first Monday of June of said year, and the first appropriation of funds provided for by this act shall be made for the six months ending December 31st, 1902, in accordance with section 2690*k*, and within the estimate made by such board for the current year. The clerk of such board of education, shall on demand, furnish to the said auditor, board of legislation and board of tax commissioners of such city any information relating to its finances which either may deem necessary to the proper discharge of the duties imposed by this act.

Exceptions.

Sec. 3958-2. The county auditor shall also furnish the city auditor of any such city with a certified copy of the apportionment of the funds payable to any school district named in the preceding section as made under section 3964 of the Revised Statutes. Moneys other than taxes, payable to any such school district shall be paid to the city treasurer only upon the warrant of the city auditor. Payments from said funds shall be made by warrants of the city auditor upon vouchers approved by such board of education attested by its clerk, but in case of salaries and wages, upon pay rolls so approved and attested. The city auditor shall charge the city treasurer with all taxes and funds received by him and shall credit him with all amounts paid out upon his warrant, keeping a separate account, for each fund, of moneys received and disbursed, and his accounts shall at all

Duties of city auditor as to receiving and paying out moneys of school district; and keeping account of funds thereof.

times be open to inspection of any member of such board of education, its clerk or representative. No part of any such funds shall be transferred to any other fund, except by a resolution of such board of education approved by the said board of tax commissioners, but such transfer shall not take effect until the city auditor shall have been notified thereof in writing by the last named board. The duties imposed upon the clerk of the board of education by section 4055 of the Revised Statutes are hereby, in every such school district, transferred to and imposed upon the auditor of the city. The duties imposed and the powers conferred by sections 1720, 1720*a*, and 1720*b*, of the Revised Statutes, upon the board of supervisors acting as the board of revision of any such city, are hereby imposed and conferred upon such board as to the proceedings of such board of education, and as to its forms of books, accounts, reports and other methods of accounting; and such board of education shall adopt and carry out any system of accounting provided by said board of supervisors agreebly to said sections 1720*a*, under the penalties prescribed by said section 1720*b*. The duties imposed and the powers conferred by section 1765*a*, Revised Statutes, upon the city auditor, shall be applicable in all respects to such board of education, and its officers, as to reports required; separate accounts to be kept; appropriations overdrawn; examination of vouchers; monthly statements of receipts and expenditures; auditing, examining, and settling accounts; the countersigning of receipts given by the city treasurer; and as to all other requirements in said section. The provisions of section 2699 and 2702 of the Revised Statutes shall apply to all contracts, agreements, obligations, and orders involving the expenditure of money, entered into or made by any such board of education, and any action of any such board, contrary to the provisions of either of said sections, as herein made applicable, shall be void except, that the certificate of the city auditor required by said sections shall not be necessary in case of current expenditures; or in case of any other expenditure not exceeding five hundred dollars; or in case of contracts for the employment of teachers, officers, and other school employes by any such board of education: Provided that the certificate required by said sections, after being noted on the books of the city auditor, shall be by him transmitted to and be filed and recorded by said board. The powers conferred and duties imposed upon the solicitor of the corporation, the privilege granted to a taxpayer, and the power conferred upon courts by sections 1777, 1778 and 1779 of the Revised Statutes, respectively, are hereby conferred and imposed upon and granted them respectively and in like manner, as to any action taken, duly omitted, or fraud, or corruption, practiced by any such board of education, in all cases in which such solicitor is required by said section 1777, in similar cases, to institute judicial proceedings on behalf of a municipal corporation; and the books and records of such board shall at all times

be open to the inspection of any taxpayer of such school district.

SECTION 2. That section 2690c of the Revised Statutes, in so far as it excepts boards of education in cities of the first grade of the second class, sections 3958 and 3960, and all other acts and parts of acts in so far as they conflict with any of the provisions of this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 291G

[House Bill No. 684.]

AN ACT

To amend section 4009-15 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009-15 of the Revised Statutes of Ohio be amended so as to read as follows: Schools and attendance enforced:

Sec. 4009-15. That whenever ten qualified electors of any township, or twenty qualified electors of any two or more adjoining townships shall file a petition or petitions with the township clerk, or clerks of two or more adjoining townships, praying for the establishing of a township high school district, or a joint township high school district, it shall then be the duty of the township board of education, or boards of education, to call a meeting, or meetings within thirty days thereafter, of the qualified electors of said township, or townships embraced in the petition, or petitions at their usual place or places of voting, giving ten days' notice, or notices of the time and place, or places, of said election, or elections, to be posted in at least five conspicuous places in the township, or each township, requiring said electors to vote for or against the proposed establishing a township or joint township high school district, and the building of a township or joint township high school building, and shall also at the same election submit to the electors of the township, or joint township high school district proposed, the question of levying taxes for buying a site, or sites, and building a township or joint township high school house, or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site, or sites, the erection of such high school house, or houses, is raised, and their opinions, the said electors, shall be expressed on their ballots which must be provided by the board, or boards of education, to-wit: For township, or joint township high school dis- Township or joint township high school district; petition for establishment; duty of board of education; election for submission of question. Form of ballot.

trict: For levying taxes for site, or sites, and building township, or joint township high school house: Against township, or joint township high school district: Against levying tax for site, or sites, and building township or joint township high school house: Which ballots shall be counted and returned by the judges and clerks of elections as in such cases made and provided.

Counting of ballots and returns of election.

Repeals.

SECTION 2. That said original section 4009-15 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 292G

[House Bill No. 972.]

AN ACT

To carry into effect the intention both of officials and parties respecting certain county and municipal instruments and proceedings.

Be it enacted by the General Assembly of the State of Ohio:

Contract entered into and valid at time of making shall be deemed valid notwithstanding change in rule of judicial construction.

SECTION 1. That whenever any officer or officers, board or board of officers, of any county, township, city or incorporated village, have by resolution, ordinance, order or other proceeding, and in pursuance of any statutory legislation of this state, authorized or caused any county, township or municipal bonds or other obligations or instruments to be issued or executed and delivered, or any county, township or municipal contracts, grants, franchises, rights or privileges to be made or given which were valid according to any rule of judicial construction and adjudication of the state and prevailing at the date of any such action or proceeding, and loans or other things of value have been effected or acquired or expenditures have been made by other parties in reliance upon such construction or adjudication, then and in every such case said bonds, obligations, contracts, grants, franchises, rights and privileges and each of them, shall be deemed and held in all respects valid and binding notwithstanding such rule of judicial construction and adjudication as to such other similar legislation shall have been subsequently changed.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate

Passed May 9, 1902. 293G

[House Bill No. 213.]

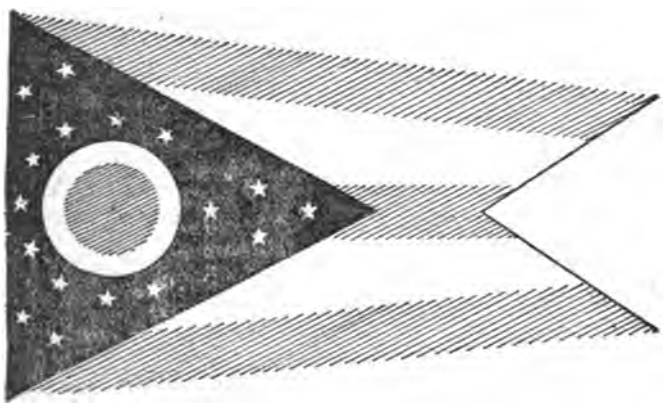
AN ACT

To provide for an official flag of the state of Ohio, and to designate its design.

Be it enacted by the General Assembly of the State of Ohio:

Official flag of the state of Ohio.

SECTION 1. The flag of the state of Ohio shall be pennant shaped. It shall have three red and two white horizontal stripes; the union of the flag shall be seventeen five-pointed stars, white, in a blue triangular field, the base of which shall be the staff end or vertical edge of the flag, and the apex of which shall be the center of the middle red stripe. The stars shall be grouped around a red disc superimposed upon a white circular "O." The design of the flag shall be according to the following diagram:



The proportional dimensions of the flag and of its various parts shall be according to the official design thereof on file in the office of the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 294G

[House Bill No. 297.]

AN ACT

For the relief of William Kelly, late foreman on the state boat on the Ohio canal, between Bolivar and Trenton, in Tuscarawas county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Warrant in favor of William Kelly.

SECTION 1. That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay William Kelly, late foreman

on the state boat on the Ohio canal, between Bolivar and Trenton, in Tuscarawas county, Ohio, the sum of two hundred and fifty dollars ($250.00) out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, in full payment of all demands of said William Kelly, against the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 295G

[House Bill No. 794.]

AN ACT

To amend section 440 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Supreme court:

SECTION 1. That section 440 of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows:

Order in which cases shall be docketed and heard.

Sec. 440. All cases brought in or taken to the court shall be entered on the docket in the order in which they are commenced, received or filed, and they shall be taken up and disposed of in the same order, except that the court may take up and dispose of the following classes of cases in advance of their order on the docket: Cases where the persons seeking relief have been convicted of felony; cases involving the validity of any tax levied or assessment made, or the power to make such levy or assessment; cases involving the construction or constitutionality of any statute, or any question of practice, where the questions arising are of general public interest; and proceedings in quo warranto, mandamus, procedendo, or habeas corpus; and cases of general interest to the public, where two or more of the circuit courts of the state have held the law directly opposite upon like facts; where the relief sought is damages for personal injury, or for death caused by negligence, and the person injured makes affidavit that he is, or, in case of death, the widow, or any of the next of kin to the deceased, makes affidavit that they are dependent for their livelihood upon their daily labor; and all cases in which any trust fund for the care, support, or education of any minor or care or support of any imbecile person is in question; and all cases involving controversies or questions arising in the administration, under the laws of Ohio, of the estate of any deceased person; and when any case is reached in its order, and there are other cases on the docket involving the same question, or some of them, the latter may be taken out of their order and disposed of with the case so reached; and

when a case is disposed of, and again comes into court, it shall be taken up as if it had its original place on the docket. Provided, that in all cases on the docket of said court where there is involved the construction of the statutes, or any of them providing for the annexation of territory to a municipal corporation, the court may take up and advance said cases out of their order on the application of either party. And this section shall apply to all actions now pending as well as those hereafter to be brought.

Repeals.

SECTION 2. That said original section 440 of the Revised Statutes of Ohio, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 296G

[House Bill No. 105.]

AN ACT

To further supplement section 1709 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Officers of cities:

SECTION 1. That section 1709 of the Revised Statutes of Ohio, as heretofore amended, be further supplemented with supplementary section 1709c as follows:

Term of city solicitor.

Sec. 1709c. In cities of the second class, the term of the solicitor elected or appointed after the passage of this act, shall be three years from the commencement thereof.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 297G

[House Bill No. 1074.]

AN ACT

To authorize, upon certain conditions, the sprinkling of streets, avenues, alleys, public squares and public places in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

Petition for sprinkling streets, etc.

SECTION 1. Upon the petition of thirty-five per cent. of the electors in any municipal corporation in this state to be certified by the mayor of said municipal corporation to

the council, board of legislation or other legislative body, such council, board of legislation or other legislative body may by ordinance provide for sprinkling with water any and all or any part of the streets, avenues, alleys, squares and public places within the corporation in the manner provided in this act.

Ordinance must receive affirmative vote of two-thirds of members of council.

SECTION 2. The ordinance to provide for said sprinkling shall not become operative unless it shall have received the affirmative votes of two-thirds of the members elected to said council, board of legislation or other legislative body.

How and by whom to be done.

SECTION 3. Upon the certification of the petition provided for in section 1 hereof, and the passage of the ordinance authorized in section 2 hereof, the board or officer having charge of the repair of streets in such municipal corporation may purchase the appliances and materials and employ the labor necessary to provide for such sprinkling, or make contracts for all or any part of such sprinkling for periods not exceeding five (5) years.

Tax levy therefor.

SECTION 4. In order to provide a fund for the purpose of paying all or any part of the cost of such sprinkling, the board or officer having charge of the repair of streets in such municipal corporation may each year estimate the cost thereof, and cause to be levied a tax therefor upon the general tax duplicate of the city in the same manner and subject to the same conditions as other levies for municipal purposes, except that such levy may be in addition to the amount now authorized for municipal purposes, and such levy upon said estimate, shall be made by the council, board of legislation or other legislative body in said municipal corporation. Street railroad companies operating within such corporation shall annually pay into the treasury of said municipal corporation one (1) cent per lineal foot of track upon sprinkled streets as their part of the cost of the sprinkling herein provided for.

Street railway companies to pay portion of cost.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 298G

[House Bill No. 803.]

AN ACT

To authorize trustees of townships and councils of municipalities to make additional levy for the purpose of drilling an oil or gas well when authorized by vote of the electors of such township or municipality.

Be it enacted by the General Assembly of the State of Ohio:

Township trustees and council of municipality authorized to levy tax for drilling oil or gas well.

SECTION 1. That the trustees of any township or council of any municipality in the state of Ohio be, and the same are hereby authorized to levy an additional tax not exceeding five mills on the dollar in addition to the tax already authorized by law, when so authorized by a majority vote of the electors of such township or municipality at a regular or special election, said election to be conducted the same as elections for township or municipal officers, the same to be collected as other taxes, for the purpose of drilling an oil or gas well in such township or municipality.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 299G

[House Bill No. 768.]

AN ACT

To amend section 2656 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Streets:

SECTION 1. That section 2656 of the Revised Statutes of Ohio be amended so as to read as follows:

Petition for vacation or establishment, and notice thereof.

Sec. 2656. Notice of the pendency, object and prayer of a petition for the vacation or establishment of a street or alley as aforesaid shall be given by publication in some newspaper of general circulation in the county in which said street or alley is located, for four consecutive weeks on the same day of the week, and the cause may be heard and determined at any time after the expiration of ten days from the date of last publication; and if any person other than the petitioner, owning a lot in the immediate vicinity of such street or alley prayed to be vacated or established, claims that he will sustain damage thereby the court may proceed to hear proof in reference thereto and may render judgment against the petitioners for such damages as it may think just, and the same shall be assessed by the court against the petitioners ratably according to the

value of the property owned by them as the same stands taxed on the tax list of the county; and a jury may be demanded as in other cases; and when necessary the court shall appoint a guardian ad litem for all minors or persons of unsound mind who may be interested in the premises.

Repeals, etc.

SECTION 2. That section 2656 of the Revised Statutes of Ohio be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 300G

[House Bill No. 478.]

AN ACT

To insure the better education of horseshoers and to regulate the practice of horseshoeing.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to engage in business of horseshoeing without license.

SECTION 1. That it shall be unlawful for any person to be engaged in or working at the business of a horseshoer exclusively in this state without having first received a license to do so, as hereinafter provided.

State board of examiners; appointment, qualifications, etc.

SECTION 2. There shall be a state board of examiners consisting of four practicing horseshoers and one veterinary surgeon, two of said horseshoers shall be master horseshoers and two shall be journeymen horseshoers, and such veterinary surgeon shall not be engaged in the practice of horseshoeing during his term or service in said board; and should either of said journeymen horseshoers become a master horseshoer, or either of said master horseshoers become a journeyman horseshoer during his said term of office, he shall thereupon cease to be a member of said board, and his place shall thereupon become vacant. All vacancies occurring as aforesaid, or by death, resignation, or in any other manner, shall be filled in the same manner as provided for the original appointment. The members of said board shall be appointed by the governor of the state and shall hold office for the term of five years, and until their successors shall be duly appointed and qualified, except that the terms of the members of said board first appointed hereunder shall be one, two, three, four, and five years respectively.

Organization, bond, meetings, etc.

SECTION 3. Said board shall organize by choosing one of its members as president, one as secretary, and one as treasurer thereof, who shall give bond in such sum as the board may determine, and said board shall meet at least three times a year and as much oftener and at such times and places as it may deem necessary. The board shall keep a complete record of all its proceedings; and a copy

from its records certified by the secretary shall be competent evidence in all courts. A majority of said board shall constitute a quorum, and the proceedings thereof shall at all times be open to public inspection. A special meeting shall be called upon the written request of two members of said board, one being a master horseshoer and the other a journeyman horseshoer, signed by the president and secretary of the said board.

Who entitled to license without examination.

SECTION 4. It shall be the duty of every person who is now exclusively engaged in the business of horseshoeing in the state of Ohio to file a written application stating his or her name and residence with said board of examiners within six months after the passage of this act. Upon receipt of such application it shall be the duty of said board to investigate the facts stated therein, and if said board be satisfied that the facts so stated are true, it shall be the duty of the said board to record the facts stated in the application in a register kept for that purpose; and every person who shall be so registered by the said board as a horseshoer may continue practicing such vocation without incurring the penalties herein provided for, and shall be entitled to be licensed for one year in accordance with the provisions of this act.

Who not permitted to engage in such business.

SECTION 5. No person whose name is not registered upon the books of said board within the time prescribed in the preceding section shall be permitted to engage in the business of horseshoeing within this state until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this act.

Qualifications for business of horseshoeing; examination.

SECTION 6. The necessary qualifications for all persons not registered in accordance with the preceding section, within six months after the passage of this act to engage in the exclusive business of horseshoeing, in this state, shall be that the applicant has served a three years' apprenticeship or worked for four years at the business of horseshoeing exclusively and shall pass an examination before the said board of examiners. Said examination shall test the knowledge of the applicant on physiology and workmanship. The examination on physiology shall consist in naming the bones of the hoof and leg of a horse from the shoulder down; also the hind leg, from the hip down, and in pointing out the various divisions of the hoof and leg, and naming them; also the articulation, ligaments, tendons, and muscles attached to the bones; also the circulatory apparatus veins, and arteries, of the hoof and leg and the nerve supply to the same. The examination on workmanship shall include a statement of the causes of the different defects of the foot, and their remedy; also the competency of the applicant to shoe a horse completely, viz: to make the four shoes and to heel and toe the shoes; to dress the hoof, fit the shoes, and to properly nail them on.

Upon passing examination to be entitled to license.

SECTION 7. All persons who shall so desire may appear before said board at any of its meetings and be examined with reference to their knowledge of the anatomy

of the horse's foot and the mechanical skill necessary in shoeing the same; and if, upon such examination, any such person shall prove himself competent to the satisfaction of said board, said board shall issue to such person a license to practice for one year in this state as a horseshoer, and after the expiration of such year, and from year to year thereafter, any person so licensed, or licensed in accordance with section four (4) of this act, shall be relicensed without examination upon application to said board.

Temporary license.

SECTION 8. The secretary of said board shall issue a temporary license on the recommendation of two members of said board, one of whom shall be a master and the other a journeyman, to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice as horseshoer, and said board may provide such method of temporary examination as it may deem wise, and such temporary license shall remain in force until the next meeting of said board occurring after the date of such temporary license, and no longer. All licenses issued under this act shall be signed by the secretary and countersigned by the president of said board.

Penalty for violation of this act.

SECTION 9. Any person who shall violate this act by engaging in horseshoeing contrary to the provisions hereof shall be guilty of a misdemeanor and shall be liable to prosecution before any court of competent jurisdiction. and, upon conviction, shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) for each and every offense. All fines recovered under this act shall be paid into the common school fund of the county in which said conviction takes place. It shall be the duty of the said board to secure the prosecution of all persons violating the provisions of this act.

Fees for examination or license; compensation of members of board and secretary.

SECTION 10. In order to carry out the provisions of this act, and to provide a fund for the maintenance of the said board of examiners, each person, applying to or appearing before said board for examination for license to practice as a horseshoer shall pay into the treasury of said board a fee of five dollars ($5.00), and for registration and license without examination within six months from the passage of this act, in accordance with the provisions of section four (4), one dollar ($1.00), and for each yearly renewal of a license fifty cents ($.50); and out of the funds coming into the possession of the said board from fees so charged, the members of said board shall receive as compensation the sum of five dollars ($5.00) per diem for each and every day that they are necessarily engaged in the discharge of the duties of their office, and all necessary expenses incurred by said board, but no part of the salary of the said board or other expense shall be paid out of the state treasury. The said secretary of this board to receive the same per diem as the other members when in actual service, and in addition thereto, an annual salary not to exceed two hundred and fifty dollars ($250.00) per year; said sum to be determined

by a majority of said board. All moneys received in excess of said per diem allowance and other expenses above provided for, shall be held by the treasurer of said board, and shall not be paid out, used or expended by him except in accordance with a resolution duly passed by said board, and said board shall make an annual report of its proceedings to the governor by the 15th of December of each year showing the names of all horseshoers licensed, their place of business and the moneys received and disbursed by them pursuant to this act. All moneys over five hundred dollars ($500.00) in the hands of the treasurer of the board on making his annual report to the governor, shall be turned over into the state treasury to the credit of the common school fund.

Annual report to governor.

SECTION 11. No person shall present himself for examination as above provided as an applicant for a license until he shall have served a three years' apprenticeship at horseshoeing, nor unless he has attended a course of lectures devoted to the anatomy of horse's feet for one school year in some institution of learning, provided, however, if no institution affording such instruction shall have been convenient to the applicant's place of residence, the board may, upon finding that the applicant has by other means acquired a satisfactory knowledge of such subject, dispense with said qualification. Applicants who are not found qualified by said board may present themselves again for examination after the expiration of six months.

Qualifications for examination.

SECTION 12. It shall be the duty of the secretary of said board to notify all practicing horseshoers in the state after said board has been appointed by the provisions of this act within thirty (30) days after said board shall have been appointed; provided that the failure of said secretary to so notify any horseshoer, or the failure of any horseshoer to receive said notice, shall not be a defense to any prosecution begun in accordance with the provisions of this act.

Notice to horseshoers of provisions of this act.

SECTION 13. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9. 1902. 301G

[House Bill No. 568.]

AN ACT

To supplement section 4777 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4777 of the Revised Statutes of Ohio be supplemented by the following section, numbered as indicated:

One-mile assessment pikes:

When road shall not be constructed nor tax levied.

Sec. 4777a. If at any time it shall be ascertained by the board of county commissioners, by the report of the road commissioners appointed by them or otherwise, that the property upon the tax duplicate for the purpose of raising a fund for the construction of any free turnpike or road, under the provision of this chapter, heretofore granted or hereafter to be granted and about to be constructed, will not be sufficient during the time for which extra taxes may be levied and collected as provided in this chapter to build and construct a good road or the kind of road provided for by this chapter, the county commissioners shall, provided that no bonds have been issued that remain unpaid or if there are no unpaid certificates outstanding for work and labor done on said road or proposed road, order that said work on road or proposed road shall not be done, and shall at once notify the road commissioners of this order, and the county auditor not to levy any further tax or any tax for said road or proposed road, and all extra taxes heretofore levied for said road or proposed road and not paid shall not be treated as delinquent taxes but by like order be cancelled off the tax duplicate against the lands and personal property on which they were levied and said road or proposed road shall not be built until the commissioners are fully satisfied that the extra taxes to be levied will build a good and sufficient turnpike road as contemplated by the provisions of this chapter for that purpose. Provided, further, that if the county commissioners should fail or refuse to act upon information coming to them that any such road can not be built for the extra taxes to be levied for that purpose as provided in this chapter, then in that event any taxpayer who is interested may enjoin the construction of any such road heretofore or hereafter granted on which no bonds have been sold and where there are no certificates of indebtedness outstanding.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 302G

[House Bill No. 867.]

AN ACT

To further supplement section 4364-53 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Labels and marks:

SECTION 1. That section 4364-53 of the Revised Statutes of Ohio be further supplemented by the enactment of section 4364-53c to read as follows:

Sec. 4364-53*c*. Every such association or union adopting or using a label, trade mark, term, design, device or form of advertisement, as aforesaid, may proceed by suit to enjoin every unauthorized use, display, or sale of the genuine label, trade mark, term, design, device or form of advertisement, and all courts of competent jurisdiction shall grant injunctions to restrain such unauthorized use, display or sale, and may award the complainant in any such suit damages resulting from such unauthorized use, display or sale as may be by the said court deemed just and reasonable, and shall require defendants to pay to such association or union, all profits derived from such unauthorized use, display or sale, aud such courts shall also order that all such labels, trade marks, terms, designs, devices or forms of advertisement, in possession or under the control of any defendants not authorized to have same, be delivered to any officer of the court or to the complainant to be destroyed. Penalty for unauthorized use of label, trade mark, etc.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 303G

[House Bill No. 788.]

AN ACT

To authorize the auditor and treasurer of state to pay to the county treasurer of Erie county, Ohio, certain money.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state be and he is hereby authorized and required to forthwith draw his warrant as such auditor upon the treasurer of the state of Ohio in favor of the treasurer of Erie county, Ohio, for the sum of one hundred and eighty ($180.00) dollars; said amount being in full payment of the amount due said county as its percentage of a certain judgment rendered at the January term, 1902, of the court of common pleas of said county in a case therein pending, wherein the state of Ohio was plaintiff and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company was defendant, said judgment having been collected and the amount thereof paid into the treasury of the state of Ohio: said treasurer of state is hereby authorized and required upon the presentation of said warrant to forthwith cause the same to be paid out of the general revenue fund of the state of Ohio, and said sum of one hundred and eighty ($180.00) dollars is hereby appropriated out of the general revenue fund of the state of Ohio, for the purpose of paying said sum. Warrant in favor of treasurer of Erie county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 304G

[House Bill No. 664.]

AN ACT

To amend section 4077 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School examiners:

SECTION 1. That section 4077 of the Revised Statutes of Ohio be amended so as to read as follows:

Boards of city districts of first class.

Sec. 4077. There shall be a board of examiners for each city district of the first class, to be appointed by the board of education of the district; such board may consist of either three or six persons, as the board of education may determine, and a majority of the persons appointed shall have had at least two years' practical experience in teaching, and all persons appointed shall be otherwise competent for the position and residents of the district for which they were appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall expire on the 31 day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or unexpired term, as the case demands; and within ten days after an appointment, the clerk of the board of education shall report to the commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term.

Repeals.

SECTION 2. That said original section 4077 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 305G

[House Bill No. 497.]

AN ACT

To amend section 4637-2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4637-2 of the Revised Statutes of Ohio be amended so as to read as follows: County roads:

Sec. 4637-2. The county commissioners may assess the damages on account of the widening, altering or establishing of said road or part thereof, also the costs and expenses of any or all of said improvements or such part of said damages, costs and expenses as they may deem equitable under the circumstances upon the taxable property abutting upon such road or part thereof, either according to the foot frontage or according to the benefits, or the county commissioners may enter into an agreement with the board of township trustees of any township wherein any state or county road improvement is contemplated whereby said boards may each pay such a proportion of said improvements as may be agreed upon by the county commissioners and the township trustees of the township in which said improvement is to be made. The county commissioners are hereby created an assessing board for the purpose of assessing the damages, costs and expenses, as herein set forth, upon the abutting property as aforesaid. Damages, costs and expenses; how paid.

SECTION 2. That section 4637-2 of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 306G

[House Bill No. 840.]

AN ACT

To amend section 1655a of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1655*a* of the Revised Statutes of Ohio, be amended so as to read as follows: Council and aldermen:

Sec. 1655*a*. In cities of the first grade of the first class, the legislative power and authority shall be vested in a board of legislation, which shall consist of as many members as there are wards in any such city, composed of one member from each ward of such city, to be chosen at a municipal election by the qualified voters thereof, for a term of three years; provided that the members of any such board heretofore elected shall continue to be members of such board until Board of legislation of Cincinnati.

Board of legislation.

their successors are elected and qualified as herein provided; and thereafter at the expiration of said terms all elections to such board shall be for a period of three years. Every member of such board shall be not less than twenty-five years of age, and shall have been a citizen of the state four years, and a resident of such city and ward for one year next preceding the date of his election. No member of such board shall be directly or indirectly interested in any contract with such city or any department or institution thereof, nor shall any such member during the time he serves as such member, hold any other public office, appointment or employment except that of notary public, or member of the state militia. Any member who shall at any time during his term cease to possess any of the qualifications mentioned in this section shall thereby forfeit his office, and the same shall immediately become vacant and be filled as hereinafter provided. Such vacancies shall be declared by the board, and in case the board shall fail for a period of ten days to declare such vacancy the mayor is hereby authorized and required to do so. All vacancies which may occur in the board of legislation from any cause whatsoever shall be filled for the unexpired term by election by a majority of all the members elected thereto. The members shall within ten (10) days after their election meet and organize the board, and the mayor, or in his absence the city clerk, shall call to order the members elected. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members. The board shall, annually, elect a president and vice-president from its own body, and shall, at the expiration of the term of the city clerk, also elect a city clerk, who shall be the clerk of the board and shall serve as hereinafter provided; but the board shall not have power to choose, select or appoint any other officer or employe whatsoever. The president shall as soon as the board has organized, appoint a sergeant-at-arms, who shall serve for a term of three years and who shall perform the duties belonging to such office until his successor is appointed and qualified. The board shall determine the rules of its proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel any member for disorderly conduct or violation of its rules, or declare his seat vacant by reason of absence without valid excuse, where such absence is continued for the space of two successive months; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have opportunity of being heard in his defence. At any meeting of the board any member shall have the right to call for the ayes and nays on any question before the board, including the motion for adjournment. The board shall assemble in the legislative chamber in regular meeting once each week, on such days as it may select. The mayor or any three members may call special meetings

of the board by notice to each member, served personally or left at his usual place of residence or business. No meeting of the board shall begin before six o'clock p. m. unless it shall be otherwise provided by a vote of at least four-fifths of all the members elected to the board. Each member of the board who is present during the entire session of any regular meeting, and not otherwise, shall be entitled to receive ten dollars for his attendance, and shall receive no other compensation whatsoever. The votes of a majority of all the members elected to the board shall be necessary to pass any ordinance, resolution or order; and the vote on every ordinance, resolution or order relating to the expenditure of money, or for granting a franchise or creating a right, or for the purchase, lease, sale or transfer of property, shall be taken by aye and nay vote and entered in the journal of the board. Every such ordinance, resolution and order shall be distinctly read at three regular meetings before such vote is taken, and said board shall have no power to dispense with any of such readings, and every such ordinance, resolution and order shall, before it takes effect, be presented, duly certified by the clerk to the mayor of the city for approval. The mayor, if he approves such ordinance, resolution or order, shall sign it; but if he does not approve it he shall return it with his objection to the board within ten days thereafter, or if the board is not in session, at its next meeting thereafter, which objection the board shall cause to be entered in full on its journal; provided, that the mayor may approve the whole or any item or part of any such ordinance, resolution or order presented to him for his signature; and, provided further, that any item or part disapproved shall have no bearing or connection with any other part of such ordinance, resolution or order. If he does not return the same in the time above limited, it shall take effect in the same manner as if he had signed it. When the mayor refuses to sign any such ordinance, resolution or order, or part thereof, and returns it to the board with his objections, the board shall, after the expiration of not less than ten days, proceed to again consider the same; and if such ordinance, resolution or order is approved by the votes of four-fifths of all the members elected to the board, it shall then take effect as if it had received the signature of the mayor. In all such cases the vote of the board shall be determined by ayes and nays, and the names of the persons voting for or against the adoption of any such ordinance, resolution or order shall be entered in the journal of the board.

Board of legislation.

SECTION 2. That said original section 1655*a* of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 307G

[House Bill No. 1055.]

AN ACT

To amend section 2087 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Reformatory institutions, etc.

SECTION 1. That section 2087 of the Revised Statutes be and the same is hereby amended so as to read as follows:

Sec. 2087. (Directors of houses of refuge to remain in office until their successors are appointed; manner of receiving infants.)

Directors of houses of refuge to remain in office until their successors are appointed; manner of receiving infants.

Directors of a house of refuge, now in office, shall continue in office until the expiration of their respective appointments, and until their successors are chosen and qualified. The board of directors of such house of refuge may, at its discretion, receive into such institution infants under the age of eighteen years committed to their custody in either of the following modes, to-wit:

First. Infants committed by the mayor or police court of a municipal corporation, or any judge of a court of record, or any justice of the peace of any county in the state, on complaint and due proof by the parent, guardian, or next friend of such infant, that, by reason of incorrigible or vicious conduct, such infant has rendered his control beyond the power of such parent, guardian, or next friend, and made it manifestly requisite that, from regard to the public welfare of such infant, and for the protection of society, he should be placed under the guardianship of the board of directors of such house of refuge.

Second. Infants committed by the authorities, aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the directors of such institution, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from moral depravity of the parent, guardian, or next friend, in whose custody such infant may be, such parent, guardian, or next friend is incapable, or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third. Infants committed by the authorities, aforesaid, when complaint and due proof has been made that such infants are homeless, or are without a proper or suitable home, or have inadequate means of obtaining an honest living, or who are in danger of being brought up to lead an idle or immoral life, or who are abandoned by their parents, or on complaint of the mother of such infants that their father is dead or has abandoned them, or does not provide for their support, or is an habitual drunkard, or that she is unable to properly support them.

Fourth. Every officer authorized to commit infants to the guardianship of said directors shall keep a record of his proceedings in the manner directed in this chapter, and shall furnish a transcript thereof, with the mittimus, to the said board of directors. The said mittimus shall state that the

infant therein named has been adjudged a proper subject to be placed under the guardianship of said directors, and the officer receiving the same shall forthwith execute it as provided hereinafter; and all officers so committing, excepting those receiving a stated salary, shall be entitled to fees as in criminal cases, payable out of the county treasury on order of the county auditor. Manner of receiving infants.

Fifth. The transcript of such proceedings, and the mittimus, shall be signed by such committing officer, and, together with the infant so committed, be delivered to the custody of any constable or sheriff; and such officer shall forthwith transport such infant to the institution to which it may be committed, and deliver the same, together with the said transcript and mittimus, to the officer in charge of the same, and shall take his receipt therefor; and, upon production of such receipt to the officer making such commitment, he shall indorse thereon the costs of such officer in so transporting such infant, at the same rate as allowed in similar cases; and, on presentation of such receipt so indorsed to the county auditor of the county from which such infant shall be sent, he shall at once draw his warrant upon the county treasurer of said county for the amount therein named, and such receipt shall be his authority for drawing the same; and, on presentation of such warrant to said treasurer, he shall forthwith pay the same from any funds in his possession belonging to said county.

Sixth. For the care and maintenance of all infants, other than those committed by the mayor or police court of a municipal corporation to which a house of refuge may belong, for offenses against the ordinances of such corporation, such institution shall receive compensation from the county from whence the commitment is made, which compensation shall be fixed by the board of directors of such institution; and upon presentation of a certificate of the number of infants, and amount due for the care and maintenance of the same, signed by the officer in charge of such institution, to the county auditor of the county from which such infants have been committed, he shall at once draw his warrant for the amount therein stated, to the order of such officer, and such certificate shall be his authority for so doing; and upon presentation of such warrant to the county treasurer of such county, he shall forthwith pay the same from any funds in his possession belonging to said county.

Seventh. The said board of directors may receive into such house, and under their guardianship, infants under the age of eighteen years, upon the request of their lawful guardians, without the intervention of a court; but infants so received shall be subject to all the provisions of this act, as though committed by a court of record: and such board, as often as they may deem proper, may fix, demand, and receive compensation from guardians of infants committed to their care, for the care and maintenance of the same.

Repeals.

SECTION 2. Said original section 2087, of the Revised Statutes, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 308G

[House Bill No. 577.]

AN ACT

To amend section 3917 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Township districts:

SECTION 1. That section 3917 of the Revised Statutes of Ohio be so amended as to read as follows:

Notice of election.

Sec. 3917. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict at least six days prior to the election designating the day and hour of opening and the hour of closing the election, and he shall also designate whether a director or subdirector shall be elected, the election shall be held at the usual place of holding school meetings in the subdistrict; the meetings shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll book and tally sheet which shall be signed by the judges and delivered within eight days to the clerk of the township.

Designation of office to be filled.

Election, where held.

Judges; oath.

Repeals.

SECTION 2. Said original section 3917 of the Revised Statutes of Ohio, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 309G

[House Bill No. 790.]

AN ACT

To amend and supplement section 4364-14 and to amend section 4364-15, and to repeal an act passed April 16, 1900, relating to trafficking in spiritous, vinous, malt and any intoxicating liquors, entitled, "An act to supplement section 4364-9 of the Revised Statutes of Ohio, as amended February 20, 1896, (O. L., vol. 93, page 24), and being sections 4364-9*a*, 4364-9*c*, [4364-9*b*, 4364-9*c*] 4364-9*d*, 4364-9*e* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4364-14 be amended and supplemented, and section 4364-15 of the Revised Statutes of Ohio be amended respectively so as to read as follows: "Dow law."

Sec. 4364-14. The county auditor shall make and preserve duplicates of such assessments, alphabetically arranged, showing the amount and date of each assessment, by whom to be paid, and the premises whereon the same is a lien. And upon receiving satisfactory information of any such business liable to assessment or increased assessment, as aforesaid, not returned by the assessor, he shall forthwith enter the same upon such duplicate and upon the county treasurer's copy thereof. By the first Monday of June of each year, he shall make out and deliver to the county treasurer a copy of such duplicate, charging him with the full amount of such assessment to be collected, and also with any additional assessments or increased assessments and penalties thereon. The county commissioners of the respective counties shall allow their county auditor compensation for the discharge of the duties imposed upon and performed by him under this act, as follows: where the amount of assessments charged upon the duplicate in any county in any year aggregate twenty thousand dollars or under, a compensation equal to three per centum of any such aggregate, and where in any county in any year the aggregate so charged exceeds twenty thousand dollars, a like compensation on twenty thousand dollars, and, in addition thereto, an amount equal to one and one-half per centum on any amount in excess of twenty thousand dollars. All compensation so allowed shall at the next settlement of taxes to be deducted by the county auditor, ratably, from all the funds entitled to a share in the distribution of such assessments, including the state, county, townships, municipalities, school districts and other organizations entitled thereto. All laws requiring any county auditor to account for and pay his fees, costs and allowances or any part thereof into the county treasury for the use of the county shall govern and apply to the compensation herein provided for.

Auditors' duplicate.

His compensation therefor.

Sec. 4364-14*a*. The assistant commissioners and inspectors appointed by the dairy and food commissioner under section 409-10 of the Revised Statutes of Ohio, in addition to their duties under that section, shall determine from information furnished by the auditor of state or by personal visitation or otherwise, the names of all persons, firms or

Duty of assistant commissioners and inspectors appointed by dairy and food commissioner as to determining

names of persons, etc., liable to Dow law assessment and not already on duplicate; duty of state auditor thereafter.

corporations liable to such assessment or increased assessment not already on the duplicate, and forthwith report the same to the auditor of state, together with a description of the real estate upon which such business is carried on; and thereupon the auditor of state shall cause the same to be entered upon the assessment duplicate of the proper county by the auditor thereof, together with the penalty of twenty per centum, which shall be collected the same as other assessments. And ten per cent. of the amount so placed upon the duplicate and collected shall be set apart and paid into the state treasury to the credit of the general revenue fund, and the remainder thereof shall be distributed the same as provided in section 4364-17 of the Revised Statutes of Ohio.

Disposition of taxes so assessed and collected.

Collection by treasurer.

Sec. 4364-15. The county treasurer shall collect and receipt for all assessments so returned to him, and if any assessment shall not be paid when due, he shall forthwith proceed as provided in section 4364-12 of the Revised Statutes of Ohio, to collect the same, and in case he shall fail to make such assessment from the goods and chattels therein described, then said treasurer shall immediately proceed as provided in section one thousand one hundred and four of the Revised Statutes of Ohio, to enforce the lien for the same with the penalty thereon. And the provisions of said section one thousand one hundred and four and all other provisions of the laws of this state relating to the assessment and collection of taxes are hereby made applicable to the enforcement of liens and the collection of such assessments and penalties.

Public records in office of internal revenue department may be offered in evidence as proof of liability for Dow tax.

The fact that the person, firm or corporation against whom suit may be brought to enforce the collection of such assessment, has paid the special tax required by the laws of the United States for engaging in the sale of intoxicating liquors, as shown by the public records in the offices of the internal revenue department, may be offered in evidence as proof that he so engaged for the time for which such special tax has been paid, and shall be prima facie evidence that such person, firm or corporation is actually engaged in the business of trafficking in intoxicating liquors as defined in sections 4364-9, 4364-10, 4364-11, 4364-12, 4364-13, 4364-14, 4364-15, 4364-16, 4364-17, 4364-18, 4364-19, 4364-20, 4364-21, 4364-22, and 4364-23 of the Revised Statutes of Ohio, but nothing in this act shall be construed as applying to a regular druggist selling intoxicating liquors upon prescription, issued in good faith by a reputable physician, in active practice, or for exclusively known mechanical, pharmaceutical or sacramental purposes as defined in section 4364-16 of the Revised Statutes of Ohio. The treasurer shall charge himself with all such assessments placed in his hands for collection, and shall account to the auditor for the same, together with all penalties collected thereunder.

When act not applicable.

Repeals.

SECTION 2. Said original section 4364-14, 4364-15, the act entitled "An act to supplement section 4364-9 of the Revised Statutes of Ohio as amended February 20, 1896, (Ohio Laws, Vol. 92, page 34), relating to trafficking in spirituous,

vinous, malt and any intoxicating liquors," passed April 16, 1900, (94 O. L., page 332 et seq.), and section 4364-19 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage, and shall apply to existing causes and pending actions.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 310G

[House Bill No. 133.]

AN ACT

To create a county judicial fund and authorizing the county commissioners to levy a tax for the same.

Be it enacted by the General Assembly of the State of Ohio:

Tax levy for creation of judicial and court fund.

SECTION 1. The commissioners, at their June session annually, may levy on each dollar of valuation of taxable property within their county, for judicial purposes as follows: In a county where the amount of such taxable property does not exceed three million dollars, not to exceed two mills; where the amount exceeds three million dollars and does not exceed five million dollars, one and five-tenths mills; where the amount exceeds five million dollars and does not exceed eight million dollars, one and two-tenths mills; where the amount exceeds eight million dollars and does not exceed twelve million dollars, one mill; where the amount exceeds twelve million dollars and does not exceed sixteen million dollars, eight-tenths of a mill; where the amount exceeds sixteen million dollars and does not exceed twenty-six million dollars, six-tenths of a mill; where the amount exceeds twenty-six million dollars and does not exceed seventy-five million dollars, four-tenths of a mill; where the amount exceeds seventy-five million dollars and does not exceed one hundred million dollars, two-tenths of a mill; where the amount exceeds one hundred million dollars and does not exceed one hundred and fifty million dollars, one tenth of a mill; where the amount exceeds one hundred and fifty million dollars, and does not exceed two hundred million dollars, one-twentieth of a mill; where the amount exceeds two hundred million dollars, one-fortieth of a mill; for the purpose of creating a judicial and court fund.

Purposes for which fund may be expended.

SECTION 2. Said fund shall be expended as follows: For the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the county fund, and in case at any time said fund should become inadequate to meet the expenses of said courts, then

the general or county fund shall be drawn upon for the payment of the same; provided that this act shall not apply to counties now authorized to make a levy, for judicial purposes, by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 311G

[House Bill No. 875.]

AN ACT

To supplement section 5929 of the Revised Statutes of Ohio by the addition thereto of subsections 5929*a* and 5929*b*.

Be it enacted by the General Assembly of the State of Ohio:

Wills:

SECTION 1. That section 5929 of the Revised Statutes of Ohio be supplemented by the addition thereto of subsections 5929*a* and 5929*b*, as follows:

Persons interested in probate of will may contest jurisdiction of court to entertain application; appeal from decision.

Sec. 5929*a*. In all cases where a will, claimed to have been executed by a person domiciled in Ohio, shall be presented for probate in any county in Ohio, it shall be permissible for the persons interested in the probate of such will, to contest the jurisdiction of the court to entertain the application, and they shall have the right to call witnesses and be heard upon that question, and the determination of the court as to its jurisdiction may be reviewed upon error.

Probate of foreign will of later date than one already admitted to probate in this state.

Sec. 5929*b*. In all cases where a will, or an authenticated copy of a will has been, or shall be admitted to probate or to record in any county in Ohio, and a will of later date, or an authenticated copy of a will of a later date executed and proved, according to the laws of any other state or territory in the United States, relative to any property in the state of Ohio, shall be presented to the same court for admission to probate or to record, said court of probate, upon giving notice to the widow or husband, and next of kin of the testator, and to the executor or administrator with the will annexed of the instrument earlier in date, and the beneficiaries named therein, in such manner and for such time as the court shall direct or approve, shall have the same power and jurisdiction as to admitting such later will to probate or to record as it would possess, had no will or authenticated copy of a will ever been admitted to probate or to record, and the proceedings connected with such admission to probate or to record shall be in all respects the same as if no other will had ever been admitted to probate or to record.

Should the probate court as a result of such hearing admit the later will or authenticated copy of a will, to probate or to record, such order shall operate, not only as to an admission of the last instrument to probate or to record, but as a revocation of the order admitting the instrument earliest in date to such probate or record. The provisions of law relating to the contest of wills originally admitted to probate or to record shall apply in all respects to later wills so admitted to probate or to record.

Effect of admitting such later will to probate.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 312G

[House Bill No. 699.]

AN ACT

For the benefit of John Doyle, of Middletown, Butler county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state be, and is hereby authorized to issue his warrant on the state treasurer for the sum of one hundred dollars, in favor of John Doyle, of Middletown, Butler county, Ohio, as bounty to said John Doyle for reënlisting in company C, 35th regiment, O. V. I., to be paid out of the general revenue fund.

Warrant in favor of John Doyle.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 313G

[House Bill No. 1019.]

AN ACT

To amend sections 7388*a* and 7388*c* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7388*a* and 7388*c* of the Revised Statutes of Ohio be amended so as to read as follows:

Jails:

Sec. 7388*a*. That in all counties having a city of the second grade of the first class, the sheriff of such county shall appoint three matrons whose duties it shall be to have charge over and to care for all female and minor persons who may be at any time confined in the jail of such county.

Jail matrons in Cuyahoga county.

Compensation; removal.

Sec. 7388c. The compensation of said matrons shall be sixty ($60) dollars per month, payable monthly out of the fee fund of said county, and said matrons shall not be removed from office except for negligence, inattention to duty, mistreatment of prisoners, or for conduct unbecoming to any person holding such positions, and then only when such charge has been proven before, and sustained by the judge of the court of common pleas of said county.

Repeals, etc.

SECTION 2. That said original sections 7388a and 7388c of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 314G

[House Bill No. 498.]

AN ACT

To provide for the payment of certain expenses incurred by the eighth regiment of infantry of the Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for 8th Reg., O. N. G.

SECTION 1. That there be and hereby is appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of $4,860.00, to pay the expenses incurred by the eighth regiment of infantry of the Ohio national guard, by reason of its participation in the inaugural ceremonies and parade of the second inauguration of William McKinley as president of the United States at Washington, D. C., on March 4, 1901, and in the travel incidental thereto. The auditor of state is directed to draw his warrant for said amount payable to the commanding officer of the eighth regiment of infantry of the Ohio national guard, upon vouchers approved by the adjutant general of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 315G

[House Bill No. 828.]

AN ACT

To supplement section 1566 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1566 of the Revised Statutes of Ohio be supplemented to read as follows:

Villages and hamlets:

Incorporation of territory surrounding summer resort, etc.

Sec. 1566*a*. That any territory requiring police protection and containing a population of not less than fifty persons and immediately surrounding a summer resort, park, lake or picnic ground, kept regularly for such outing and pleasure, may incorporate by setting up notices of an election in three of the most public places in the territory proposed to be included in the corporation signed by five citizens and electors of the territory. Said notices to be posted at least ten days before the election, stating time and place where such election shall be held, and shall contain an accurate description of the territory proposed to be taken into the incorporation. The election shall as far as practicable be conducted in the manner prescribed for the election of township officers. The electors present shall choose three judges and two clerks from the electors present to act as judges and clerks of said election, and the ballot shall contain the words: "For incorporation" and "Against incorporation." If the majority of the ballots cast at such election shall contain the words "For incorporation," it shall be deemed that the citizens of said designated territory have assented to such incorporation. And, if the majority of the ballots cast at such election shall contain the words "Against incorporation," it shall be deemed that the people of said designated territory shall not have assented to the incorporation thereof. Such laws governing the creation and regulation of incorporated villages in force and such as may be hereinafter enacted shall have full force and effect in so far as are not inconsistent and do not conflict with the provisions of this act.

Laws to govern.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 316G

[House Bill No. 628.]

AN ACT

To amend section 4239*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4239*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Fences:

Barbed wire partition fence.

Sec. 4239*a*. No person or corporation shall construct or cause to be constructed a partition fence from barbed wire unless written consent of the owner or lessee for three or more years of the premises, be first obtained, provided that consent shall not be necessary to the use of not more than two barbed wires, if the lower one of said barbed wires be not less than forty inches from the ground, and be placed on the top of a fence of other material than barbed wire.

Penalty.

Whoever constructs or causes to be constructed a barbed wire partition fence, other than above provided, without the consent contemplated in this section, shall be fined not more than one hundred dollars nor less than ten dollars.

Repeals, etc.

SECTION 2. That original section 4239*a* of the Revised Statutes of Ohio be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 317G

[House Bill No. 1061.]

AN ACT

To amend section 4408 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Pharmacists:

SECTION 1. That section 4408 of the Revised Statutes of Ohio be amended so as to read as follows:

Examination of applicants; requirement.

Sec. 4408. Every person who shall hereafter desire to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the board an application, duly verified, giving his age, the place or places at which, and the time spent in the study and practice of pharmacy, and shall present himself before the board and submit to an examination as to his qualifications for the practice of pharmacy, in the following subjects: Chemistry, botany, materia medica, toxicology, and the theory and practice of pharmacy. If an applicant for a certificate as a pharmacist, such person shall have attained the age of twenty-one years, and shall possess four years' practical experience in a drug store where physicians' prescriptions are compounded; provided, that graduates of schools and colleges of pharmacy in good standing, as determined by the board, shall be entitled to a deduction from the requirement of four years' practical experience, of the time spent in receiving instruction in such school or college of pharmacy.

Assistant pharmacist.

If an applicant for a certificate as an assistant pharmacist, such person shall have attained the age of eighteen

years, and shall possess at least two years' practical experience in a drug store where physicians' prescriptions are compounded, and in charge of a registered pharmacist; provided, that there may be deducted from the requirement of two years' practical experience the time actually spent by such applicant under instruction in any school or college of pharmacy in good standing, as determined by the board.

License.

If the board is satisfied that the person presenting himself for examination is of the required age, and is possessed of the practical experience required by this section, and passes a satisfactory examination, the board shall issue such applicant a certificate authorizing him to practice the profession of a pharmacist or assistant pharmacist.

Repeals, etc.

SECTION 2. Said original section 4408 of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 318G

[House Bill No. 872.]

AN ACT

To amend sections 409-50, 409-51, 409-52, 509-53, 409-54, 409-55, 409-56, 409-57, and 409-58 and to further supplement section 409 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

State fire marshal:

SECTION 1. That sections 409-50, 409-51, 409-52, 409-53, 409-54, 409-55, 409-56, 409-57, and 409-58, of the Revised Statutes of Ohio be amended and section 409 be further supplemented so as to read as follows:

Appointment, term, removal.

Sec. 409-50. That the governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every two (2) years thereafter, between the 15th day of January and the first day of February, by and with the advice and consent of the senate, and also within thirty days after the occurrence of the vacancy in the office, a suitable person who shall be a citizen of this state, as state fire marshal, who shall hold (the) office until his successor is appointed and qualified, the title of which office shall be state fire marshal. Such officer shall keep his office at the capitol, in the city of Columbus, and may be removed for cause at any time by the governor.

Appointment of deputies and assistant; their duties.

The state fire marshal is hereby empowered and required to appoint two deputy fire marshals, to be designated as first and second deputies, and one chief assistant. The duties of said deputies and chief assistant shall be to

assist the state fire marshal, and such appointees may be removed for cause by the said fire marshal. In the event of a vacancy in the office of fire marshal, or during the absence or disability of that officer the first deputy marshal shall perform the duties of the office.

Vacancies.

Duty of marshal in connection with other officers to investigate fires.

Sec. 409-51. The state fire marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstance of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including the Sunday of the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by the said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the insurance commissioner may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year.

Notification to marshal of fire.

Record of fires.

Testimony under oath.

Sec. 409-52. The state fire marshal shall, when in his opinion, further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall report to the insurance commissioner, as often as such commissioner shall require, his proceedings and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Arrest of suspected person.

Report to insurance commissioner.

Power of marshal, deputies and assistant to summon and compel attendance of witnesses.

Sec. 409-53. The state fire marshal, deputy state fire marshals, and chief assistant fire marshal, shall each have power in any county in the state of Ohio, to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper, or document, deemed pertinent thereto by them or either of them. Said state fire marshal, deputy state fire marshals and chief assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid, shall be deemed perjury, and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said state fire marshal, deputy state fire marshal, or chief assistant fire marshal, or who fails or refuses to produce any book, paper, or document, touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned by them, or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, may be summarily punished by said state fire marshal, deputy state fire marshals, or chief assistant fire marshal, as for contempt, by a fine in a sum not exceeding one hundred dollars ($100.00), or be committed to the county jail until such time as such person may be willing to comply with any order made by said state fire marshal, deputy state fire marshals, or chief assistant fire marshal, as provided in this act. Said state fire marshal and his subordinates, or either of them, shall have the authority at all times of day and night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by, or under the direction of said state fire marshal may, in his discretion be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

False swearing.

Contempt.

Power to enter buildings.

Investigation may be private.

Right of marshal and other officers upon complaint to enter buildings for purposes of investigation.

Sec. 409-54. The state fire marshal, his deputies and assistants, the chief of fire department of all villages and cities where a fire department is established, and the mayor of cities or villages where no fire department exists, and the clerks of each township in the territory without the limits of an organized city or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their juris-

May order repair of building or removal of inflammable or explosive material.

diction. Whenever any of said officers shall find any building, or other structure, which, for want of proper repair, or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, and whenever any of such officers shall find in any building, or upon any premises, combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, that if the said occupant or owner shall deem himself aggrieved by such order, he may, within twenty-four hours appeal to the state fire marshal, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities, above specified, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each day's neglect.

Right of aggrieved person to appeal to state fire marshal.

Penalty for non-compliance.

Penalty for neglect of official duty.

Sec. 409-55. Any officer referred to in section 409-51 herein, who neglects to comply with any of (the) requirements of this act shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars.

Salaries of marshal and assistants.

Sec. 409-56. The state fire marshal shall receive an annual salary of $3,000.00, and the first deputy fire marshal $1,800.00, and the second deputy fire marshal $1,500.00. Said fire marshal shall employ clerks and assistants and incur such other expense as may be necessary in the performance of the duties of his office, not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided. For the purpose of maintaining the department of state fire marshal, and paying the expenses incident thereto, every fire insurance company doing business in the state of Ohio, shall pay to the superintendent of insurance in the month of December, annually, in addition to the taxes now required by law to be paid by such companies, one-half of one per cent. on the gross premium receipts of such companies on all business done in Ohio the year next preceding, as shown by their annual statements, under oath, to the insurance department. The superintendent of insurance shall cover the money so received into the treasury as a special fund for the maintenance of said office of state fire marshal, and the expenses incident thereto. Such portion of said special fund remaining unexpended at the end of any fiscal year, as the state fire marshal shall certify is not needed for the maintenance and expenses of his department, shall be transferred to the general revenue fund of the state. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department, and shall approve all vouchers issued therefor, before the same are

Tax on insurance companies to defray expenses of department.

Itemized statement of expenses.

submitted to the auditor of state for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state.

Marshal not to engage in other business; attendance at office.

Sec. 409-57. The state fire marshal shall not engage in any other business, and he or one of his deputies shall at all times be in the office of the fire marshal ready for such duties as are required by this act.

Annual report.

Sec. 409-58. The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the 15th day of January, a detailed report of his official action to the governor.

Compensation of various officers for reporting fires to fire marshal.

Sec. 409-59. There shall be paid to the chiefs of fire departments, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of fifty cents for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto, mileage at the rate of fifteen cents per mile for each mile traveled to the place of the fire. Said allowance shall be paid by said state fire marshal at the close of each fiscal year, out of any funds appropriated for the use of the office of said state fire marshal.

Repeals etc.

SECTION 2. That said original sections 409-50, 409-51, 409-52, 409-53, 409-54, 409-55, 409-56, 409-57 and 409-58 of the Revised Statutes of Ohio, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 319G

[Senate Bill No. 310.]

AN ACT

To supplement section 3439 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies.

SECTION 1. That section 3439 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Time after which abutting property owner can not withdraw consent for construction.

Sec. 3439*a*. Nothing contained in sections 2502 and 3439 shall permit any persons owning property abutting on any street along, in or over which a street railroad is about to be constructed, to withdraw his or their consent after an ordinance granting the right to construct and operate a street railroad shall have been read the second time; provided, a period of at least thirty days has elapsed since the first reading of said ordinance in the council or other body authorized to make the grant. And where an abutting

property holder has been heretofore compensated for his consent, or has heretofore withdrawn his consent, notwithstanding thirty days has not elapsed since the first reading of the ordinance after an ordinance granting the right to construct and operate a street railroad has been read the second time in the council or other body authorized to make the grant and a grant has been made by the council or other public body to a company or individual, pursuant to such consents, the grant shall not be held invalid by reason thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 320G

[House Bill No. 679.]

AN ACT

To regulate the selection of certain township officers.

Be it enacted by the General Assembly of the State of Ohio:

Apportionment of township trustees and justices of the peace to voting precincts of township.

SECTION 1. That hereafter, in those townships where the number of township trustees or justices of the peace is as large, or larger, than the number of voting precincts in such township, such trustees and justices of the peace, elected or appointed, shall be so apportioned among such voting precincts that at least one such trustee and one such justice of the peace shall be a resident of each voting precinct; and if the number of such trustees or justices of the peace is smaller than the number of such voting precincts, no two such trustees or justices of the peace shall be residents of the same voting precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 321G

[House Bill No. 948.]

AN ACT

To provide for the cost of collecting, removing and disposing of garbage, dead animals and animal offal where provision could not be made therefor.

Be it enacted by the General Assembly of the State of Ohio:

"Garbage bonds;" when municipality may issue.

SECTION 1. In any municipality which has heretofore entered into any contract for the collection, removal and disposal of garbage, dead animals, and animal offal, after the date fixed for making provision for the expenditures arising thereunder during the year in which any such contract goes into operation, and where such provision was not in fact made, the board of public service, if there be such a board, or its successor, and if there be no such board, the council or trustees of any such municipality, is hereby authorized to issue bonds in the name of such municipality, in an aggregate amount not exceeding thirty-seven thousand three hundred and fifty dollars, to meet the expenditures estimated to be incurred under such contract, during the year for which no provision was made as aforesaid. In anticipation of the funds arising from the sale of such bonds, it shall be lawful for any such municipality, by its proper officer and boards to make an estimate of the money needed to meet its obligations, arising under such contract, for such year or part thereof, and to provide for their payment, in the manner prescribed by law, out of the proceeds arising from the sale of any such bonds. Said bonds shall be of such denomination as the issuing board may determine, be made payable in not less than twenty years nor more than thirty years from the date of their issue, and shall bear interest at a rate not exceeding 3½ per cent. per annum, and they shall be designated as "garbage bonds." They shall be signed, sealed and sold in the manner and subject to the conditions prescribed by law, and shall be secured by the pledge of the faith of the municipality and a tax, which it is hereby made the duty of its legislative board to levy, annually, upon all the taxable property within the municipality, sufficient in amount to pay the interest of the bonds annually, and to provide a sinking fund to redeem them at maturity, and such tax may be in addition to the amount now authorized by law to be levied for municipal purposes. In municipalities which have a board designated as the trustees of the sinking fund, the rate of tax to be levied as above, shall be fixed and certified by such board.

Tax levy.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 322G

[House Bill No. 669.]

AN ACT

To amend section 3995 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Libraries:

SECTION 1. That section 3995 of the Revised Statutes of Ohio be amended so as to read as follows:

Certain boards may appropriate money for library, etc.

Sec. 3995. In any district the board of education may appropriate money from the contingent fund for the purchase of such books, other than school books, as it may deem suitable for the use and improvement of the scholars and teachers of the district, and in the purchase of philosophical or other apparatus for the demonstration of such branches of education as may be taught in the schools of the district, or for either of such purposes; but not more than one-third of the amount herein authorized to be appropriated shall be expended in the purchase of such apparatus; such appropriation shall not exceed, in any one year, twelve hundred dollars in city districts containing cities of the first grade of the first class, and three hundred dollars in other districts; and the books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education. The board of education of any city of the second class, fourth grade, having a free public library, organized in pursuance of law, may allow such free public library association the use and control of the public school library; subject, however, to such rules, regulations and restrictions as said board of education may prescribe for the use and control thereof.

Repeals, etc.

SECTION 2. That said original section 3995 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 323G

[Senate Bill No. 340.]

AN ACT

Authorizing the issuing of bonds of municipal corporations for enlarging, improving or extending natural gas works, and providing for submitting issuing the same to a vote of the people.

Be it enacted by the General Assembly of the State of Ohio:

Municipalities authorized to issue bonds for purpose of improving natural gas works.

SECTION 1. That the council, board of legislation or other legislative body or bodies of any municipal corporation of the state of Ohio shall have power to issue and sell bonds in such manner as is provided by law for the sale of bonds by municipal corporations, at a rate of interest not

exceeding 6 per cent., whenever such council, board of legislation or other legislative body or bodies, by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall, by resolution or ordinance, deem the same necessary for the purpose of extending, enlarging, improving, repairing or securing a more complete enjoyment of any natural gas works owned by such municipal corporation, subject, however, to the provisions of section 2 of this act.

Question of issue to be submitted to vote.

SECTION 2. Before any such bonds are issued, the question of issuing the same shall be submitted to the voters of the municipal corporation at a general or special election, whenever the council, board of legislation or other legislative body or bodies of any municipal corporation shall, by resolution or ordinance, passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such municipal corporation for any of the purposes set forth in section 1 of this act, they shall, by such resolution or ordinance fix the date upon which the question of the issue and sale of such bonds shall be submitted to the electors of such municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such municipal corporation is situated, or board of elections in such cities as have such board, and such deputy state supervisors or such boards of elections shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in such resolution or ordinance. Such election shall be held at the regular place or places of voting in such municipal corporation, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as April elections in such municipal corporation for the election of officers thereof; provided, however, that, when a special election for such purpose is held in a municipal corporation divided into wards, there shall be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections, or in cities having a board of elections by such board, and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required, certificates of removal shall not be necessary, except where transfers are required from one ward to another, and the board of elections of all such cities [shall] issue all such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and, if no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the municipal corporation.

If two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then, and not otherwise, the bonds shall be issued, and a tax may be levied for the purpose of paying the interest and principal upon such bonds. Those who vote in favor of the proposition shall have written or printed on their ballots, in quotation, "For the issue of bonds"; those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 324G

[Senate Bill No. 261.]

AN ACT

Providing a method of procedure for collecting claims payable from funds deposited with the superintendent of insurance, or other state officer.

Be it enacted by the General Assembly of the State of Ohio:

Providing method of procedure for collecting claims payable from funds deposited with superintendent of insurance or other state officer.

SECTION 1. If any company, corporation, or association, which may by the statutes of this state, be required to make a deposit with the superintendent of insurance, or other state officer, for the purpose of securing the contracts of such company, corporation, or association, or for any other purpose, shall fail to pay any of its liabilities upon such contracts, or other obligations, for which such deposit has been made, according to the terms of such contract, or other obligation, after the liability thereon shall have been determined; or if such company, corporation, or association has ceased to do business within this state, leaving unpaid any such liability, or has become insolvent, the attorney general of the state, on behalf of the superintendent of insurance, or such other officer, shall, upon the application of any party entitled to participate in such deposit, or the proceeds arising therefrom, commence a civil action in the court of common pleas of Franklin county, Ohio, to determine the rights of all parties claiming any interest in such deposit, to subject such deposit to the payment or satisfaction of all liability or liabilities and to distribute said fund among the persons entitled thereto, making the company, corporation, or association a party defendant. Said action shall be brought by the attorney general, but for such services he shall receive no compensation other than the salary provided for by section 1284 of the Revised Statutes of Ohio.

SECTION 2. That upon the filing of such petition, the superintendent of insurance, or such other officer, shall cause a notice thereof to be published for six consecutive weeks in three papers of general circulation within the state of Ohio, one of which shall be published in the city of Columbus, Ohio, which notice shall contain a succinct statement of the object and prayer of said petition, and notifying all persons claiming to have any interest in said fund, to intervene and set forth such interest therein, and when they are required to answer thereto. A copy of such notice shall be forwarded to the last known address of such company, corporation, or association, by the clerk of said court as provided for in section 5048, Revised Statutes. Upon the hearing of said cause, such order, judgment, or decree shall be entered by the court as may be deemed just and equitable.

Notice to parties interested in said fund; publication of.

Notice to company.

SECTION 3. The code of civil procedure shall govern such proceedings in so far as the same may be applicable.

Procedure.

SECTION 4. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 325G

[Senate Bill No. 250.]

AN ACT

To provide for the appointment of a board of review for the equalization of real and personal property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Upon the written application of the county auditor of any county to the state board of appraisers and assessors, for the appointment of a board of review for any municipal corporation of such county, for the equalization of real and personal property, moneys and credits within such municipal corporation, said board of appraisers and assessors may appoint said board of review, to be composed of three citizens, freeholders of such municipal corporation not more than two of whom shall belong to the same political party, one member of such board to be appointed for the term of one year, one member for the term of three years, and one member for the term of five years; and thereafter at the expiration of the term of any member, there shall be appointed by the said state board of appraisers and assessors, a freeholder of such municipal corporation as successor to such member for the term of five years, and all vacancies in said board shall be filled for the unexpired term in the same manner as the original appointment. The state board of appraisers and assessors may, at its discre-

Upon application of county auditor, state board of appraisers and assessors to appoint board of review for municipal corporation in county.

Number of members.

Qualifications.

Term.

Vacancies.

Removals.

Powers and duties of board.

tion, remove any member of said board. Said board of review shall within and for their respective municipalities have all the powers and perform all of the duties heretofore conferred upon or required of the annual city board for the equalization of the value of real and personal property, moneys and credits; the decennial city board, for the equalization of the value of real property; and the annual city board of revision; and the decennial city board of revision, under any and all laws now in force, pertaining to such municipalities. And said board of review shall be the successor of said board of revision, said annual city board and said decennial city board, all of which boards shall, upon the appointment of a board of review in any municipal corporation under this act be abolished. Said board of review shall have power to hear complaints and to equalize the valuation of real and personal property, moneys and credits within such municipal corporation as said board of review may be located, and shall be governed by rules prescribed for the government of decennial county and city boards, and annual county and city boards, for the equalization of real and personal property.

Sessions of board.

SECTION 2. Said board of review shall meet annually at the office of the county auditor on the first Monday in June, and shall continue in session from day to day (except Sundays and legal holidays) until the Saturday preceding the first Monday in June of the following year; provided that the state board of appraisers and assessors shall have the authority to fix the time within which the work shall be completed.

Compensation of members.

SECTION 3. Each of the members of such board of review shall receive a salary payable monthly out of the county treasury upon the order of said board and [the] warrant of the county auditor, at not to exceed the rate of two hundred and fifty dollars per month to be fixed by the county commissioners, for the time such board or boards may be in session; and said board shall meet in rooms provided by the county commissioners, and shall when in session devote their entire time to the duties of their office, and no member thereof shall be engaged in any other business or employment during the period of time covered by the sessions of the board. Said boards shall have power to employ a chief clerk, and appoint such other clerks, not exceeding six and such messengers, not exceeding six, as it may deem necessary, and fix their compensation, which shall be paid out of the county treasury upon the order of said board, and the warrant of the county auditor; and such incidental expenses as said board shall deem necessary shall be paid out of the county treasury in like manner.

Meetings, where held.

Clerks and other employes.

County auditor to be secretary of board; duties and compensation.

SECTION 4. The county auditor of any county in which any of such municipal corporations are located shall be secretary to such board, and shall in addition to his other duties provided by law, be present at each meeting of the board in person or by deputy; he shall keep a correct record of the proceedings of the board in a book to be kept for that

purpose, and perform such other duties as the board may order, or as may be incident to his position. For his services as secretary to such board he shall receive out of the county treasury upon the order of the board five ($5.00) dollars per day for each and every day the board shall be in session.

SECTION 5. All of the provisions of the Revised Statutes of the state of Ohio, are hereby repealed in so far as they conflict with or are inconsistent with the provisions of this act, and not otherwise. Repeals.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 326G

[Senate Bill No. 297.]

AN ACT

To amend section 2834c of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2834*c* of the Revised Statutes of Ohio be amended to read as follows: Levying taxes.

Sec. 2834*c*. Whenever the commissioners of any county, acting in accordance with an act of the general assembly have incurred obligations or have issued and sold bonds, and with the proceeds of such obligations [or] of bonds have acquired land by lease or purchase, and have wholly or partially completed a building thereon, and after such proceeds have been so expended and the county thereby placed in the ownership and possession of such improvement or building, the statute under which such bonds were issued or obligations incurred has been or shall be by final judgment of a court of competent jurisdiction declared unconstitutional and the county authorities enjoined from levying or collecting taxes to pay the interest and principal of such bonds or obligations, whereby the county has, with the proceeds of the bonds which it still retains, acquired such improvement or building, and by reason of the unconstitutionality of the law under which it has acted, cannot pay its obligations outstanding in the form in which they were issued, such commissioners may, if they deem it for the best interest of the county so to do, fulfill the equitable and moral obligations of the county to reimburse the holders of said bonds or obligations to an amount equal to the principal and interest which has accrued thereon, and, for the purpose of so doing, may issue and sell bonds of such county or borrow money in such amounts and for such lengths of Reimbursement of holders of bonds issued under unconstitutional acts.

time and at such rate of interest as the commissioners may deem proper, not exceeding the rate of 4 per cent. per annum, payable semi-annually, to be used in the reimbursement and payment of such equitable and moral claims and liabilities against such county; provided, that no such payment or reimbursement of any such moral or equitable claim shall be made of any claim that has remained due or unpaid, and upon which no payments have been made either upon the principal or interest, for a longer period than ten years. Provided further that should the county commissioners of any such county upon the written request of the holder of any such equitable claim against the county as is in this section described, fail within six months after such demand to make provision for such claim under the provisions of this section, then, in such case, the holder of any such legal or equitable claim as is in this section described against such county shall have a right of action in any court of competent jurisdiction to recover the amount of such claim and interest against such county at any time within a period of ten years from the time the cause of action accrues, or from the date of the last payment of principal and interest.

Proviso.

Claims recoverable by action.

Provided further that the county commisioners may devote the building or improvement which the county has acquired under the circumstances mentioned in this act to any county purpose.

Use of county buildings.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 327G

[Senate Bill No. 117.]

AN ACT

To amend section 218-229 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Canals:

SECTION 1. That section 218-229 of the Revised Statutes of Ohio be amended to read as follows:

When and for what purpose action may be brought.

Sec. 218-229. That if said commission shall find that any person, or persons, or corporation is unlawfully in possession, use, or occupation of any land belonging to the state of Ohio, or is unlawfully claiming an estate, or interest therein, adverse to the state of Ohio, or has taken, carried away, or in any manner injured the whole or any part of any canal lock, or weigh lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof belonging to said state, or any of the materials used in the construction of any such lock, culvert, aqueduct, or canal bridge, or any

of the abutments thereof belonging to said state, it shall direct the attorney general, and it is hereby made his duty, to bring a civil action or civil actions to recover the possession of such lands, or damages for the property so taken, carried away, or injured, or such other action or actions as he may consider appropriate, and any person or persons who may have advised or unlawfully aided any other person or persons to injure said property or take it or carry it away, may in every such action be made a codefendent with the person or corporation who so took, injured, or carried away said property, and such a joint or several judgment may be had therein against him in such action as may be right and proper therein. And any suit or suits authorized to be brought by this act may be commenced and prosecuted in the county where such property is situated, or in Franklin county, as he prefers.

SECTION 2. That said original section 218-229 be and hereby is repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 328G

[House Bill No. 1056.]

AN ACT

To supplement section 2408 of the Revised Statutes of Ohio with supplementary section 2408*a*.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2408 of the Revised Statutes of Ohio be supplemented by enacting supplementary section 2408*a*, as follows: Waterworks; Toledo:

Sec. 2408*a*. That in cities of the third grade of the first class there be and is hereby created a board of three members to be known as the "commissioners of waterworks," to be composed of the waterworks trustees in any such city heretofore, or hereafter elected, as provided in section 2408 of the Revised Statutes of Ohio. The duties of any of such "commissioners of waterworks" shall be construed not to be in conflict with the duties of the waterworks trustees; and such duties of said "commissioners of waterworks" shall be to make such investigations, surveys, plans and specifications as they may deem necessary, and after due consideration thereof they may adopt definite plans and specifications for the enlargement, extension, improvement or addition to existing waterworks, either within or without the limits of any such city, including reservoirs, Commissioners of waterworks; how chosen. Duties.

buildings, tunnels, pumping engines, and machinery of all kinds; pipes, and other fixtures, appliances and facilities, as in their opinion are necessary to procure an abundant supply of pure and wholesome water; and said commissioners may also determine the location of any said enlargement, extension, improvement or addition. The salary of said commissioners shall be six hundred dollars per annum, payable monthly out of the waterworks fund of any such city.

Compensation.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 329G

[Senate Bill No. 220.]

AN ACT

To amend section 1297 of the Revised Statutes, as amended April 27, 1896.

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting attorney:

SECTION 1. That section 1297 of the Revised Statutes, as amended April 27, 1896, be amended so as to read as follows:

Salary.

Sec. 1297. The prosecuting attorney shall receive an annual salary not exceeding the sum herein named, to-wit: In Hamilton county, thirty-five hundred dollars. In Cuyahoga county, four thousand dollars. In Lucas county, two thousand dollars. In Franklin county, two thousand dollars. In Montgomery county, two thousand dollars. In each county containing less than twenty thousand inhabitants by the last federal census, four hundred dollars; and in each other county two dollars for each one hundred inhabitants such county contained at the next preceding federal census, to be paid at such times and in such installments as the county commissioners may direct.

Repeals.

SECTION 2. Said section 1297, as amended April 27, 1896, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first Monday in January, A. D. 1903.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 330G

[Senate Bill No. 208.]

AN ACT

To supplement section 455 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Circuit court:

SECTION 1. That the following section be enacted as supplementary to section 455 of the Revised Statutes of Ohio, with sectional numbering as herein designated:

Salary of judges in second judicial circuit.

Sec. 455*b*. The judges of the circuit court of the second judicial circuit shall each receive, from and after the passage of this act, in addition to the salary payable out of the state treasury, the sum of one thousand dollars per year, payable out of the treasury of the respective counties herein named as follows: Franklin county, three hundred and fifty dollars; Montgomery county, one hundred and seventy-five dollars; Clark, seventy-five dollars; and Champaign, Darke, Fayette, Greene, Madison, Miami, Preble and Shelby counties each fifty dollars, upon the warrant of the county auditor of the respective counties to be issued semi-annually on the first day of each term of said circuit court in said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 331G

[House Bill No. 883.]

AN ACT

To make an appropriation for the deaf mute schools in the cities of Cleveland and Cincinnati.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for deaf mute schools in Cleveland and Cincinnati.

SECTION 1. That there be and is hereby appropriated from any money in the state treasury to the credit of the state common school fund not otherwise appropriated the sum of $63,000.00, for the support of the public day school for deaf children in Cleveland, and the sum of $40,200.00, for the support of the public day school for deaf children in Cincinnati.

SECTION 2. Said money so appropriated shall be paid as in manner provided by law for the payment of money out of the state treasury, to the treasurers of boards of education of said cities, and shall be kept separate and distinct from all other funds by the treasurer of such boards of education, and shall be paid out for no other purpose than for the maintenance of schools for the deaf of said cities.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 332G

[House Bill No. 404.]

AN ACT

To amend sections 1070 anw 1075 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County auditor:

SECTION 1. That sections 1070 and 1075 of the Revised Statutes of Ohio be amended so as to read as follows:

Additional compensation for county auditors.

Sec. 1070. The several county auditors shall receive compensation for their services in addition to that provided for in the preceding section, as follows: In counties having a population of less than three thousand five hundred such inhabitants, one hundred and fifty dollars; in counties having three thousand five hundred and less than four thousand five hundred such inhabitants, one hundred and eighty dollars; in counties having four thousand five hundred and less than five thousand five hundred such inhabitants, two hundred and ten dollars; in counties having five thousand five hundred and less than six thousand five hundred such inhabitants, two hundred and forty dollars; in counties having six thousand five hundred and less than seven thousand five hundred such inhabitants, two hundred and seventy dollars; in counties having seven thousand five hundred and less than eight thousand five hundred such inhabitants, three hundred dollars; in counties having eight thousand five hundred and less than nine thousand five hundred such inhabitants, three hundred and thirty dollars; in counties having nine thousand five hundred and less than ten thousand five hundred such inhabitants, three hundred and sixty dollars; in counties having ten thousand five hundred and less than eleven thousand five hundred such inhabitants, three hundred and ninety dollars; in counties having eleven thousand five hundred and less than fifteen thousand such inhabitants, seven hundred and eighty dollars; in counties having fifteen thousand and less than seventeen thousand five hundred such inhabitants, eight hundred and forty dollars; in counties having seventeen thousand five hundred, and less than twenty thousand such inhabitants, nine hundred dollars; in counties having twenty thousand and less than twenty-five thousand such inhabitants, ten hundred and fifty dollars; in counties having twenty-five thousand and less than forty thousand such inhabitants, eighteen hundred dollars; in counties having forty thousand and less than fifty thousand such inhabitants, twenty-one hundred dollars; in counties having fifty thou-

sand and less than sixty thousand such inhabitants, twenty-four hundred dollars; in counties having sixty thousand and less than seventy thousand such inhabitants, twenty-five hundred and fifty dollars; in counties having seventy thousand and less than eighty thousand such inhabitants, three thousand dollars; in counties having eighty thousand and less than ninety thousand such inhabitants, thirty-three hundred dollars; in counties having ninety thousand and less than one hundred thousand such inhabitants, thirty-six hundred dollars; in counties having one hundred thousand and less than one hundred and ten thousand such inhabitants, thirty-nine hundred dollars; in counties having one hundred and ten thousand and less than one hundred and twenty thousand such inhabitants, forty-two hundred dollars; in counties having one hundred and twenty thousand and less than one hundred and thirty thousand such inhabitants, forty-five hundred dollars; in counties having one hundred and thirty thousand and less than one hundred and forty thousand such inhabitants, forty-eight hundred dollars.

Provided, however, that in any county which in any year heretofore had over one hundred thousand of such inhabitants, but in which no compensation was paid under the provisions of the section herein amended, the county commissioners shall allow compensation for every such year omitted upon the basis of enumeration and in accordance with the rates herein fixed; and in any such county in which any year heretofore since the year 1896 compensation was paid on the basis of an enumeration of one hundred thousand of such inhabitants and no more, the county commissioners for every such year shall allow compensation for the number of such enumerated inhabitants in excess of one hundred thousand in accordance with the rates herein fixed. Provided, further, that in counties whose auditor receives a fixed compensation, payable out of the fee fund of said county, the additional compensation herein provided for shall be received and paid in by him to the credit of said fee fund of said county, as earnings of the county auditor's office.

SECTION 2. That section 1071 of the Revised Statutes of Ohio be amended so as to read as follows:

Same.

Sec. 1071. In addition to the compensation specified in the two preceding sections, the auditors of the several counties shall receive the compensation provided by law for their services as members of the boards for listing railroads, and under the school laws, as county sealers, and in filing any statements of taxable property, and also four per centum of the amount of tax collected and paid into the county treasury, on property omitted and placed by them on the tax duplicate provided, however, that in Hamilton county whenever any assessor or taxpayer who is required by law to list for taxation any improvements to real estate shall fail to do so, and such improvements are placed by the county auditor upon the tax duplicate for any year,

an amount equal to one per centum of the tax value of such improvements shall be allowed by the county auditor by the county commissioners as compensation therefor, and which amount the county auditor shall deposit in the county treasury to the credit of the fee fund as earnings of the county auditor's office.

SECTION 3. That section 1075 of the Revised Statutes of Ohio, as enacted April 14th, 1900 (94 O. L., 206), be amended to read as follows:

Fees under improved road law.

Sec. 1075. The auditors of the several counties shall receive the following fees, to be paid out of the county treasury for their services under the improved road laws; For recording papers, proceedings, apportionments, and all other recording required in making up a complete record of improved roads for each one hundred words (where figures are used three figures to be counted as one word) eight cents; and for making out any special tax duplicate, for the purpose of collecting the tax from the owners, on each and every description of lots, lands, and personal property, sought to be assessed for such improvement, eight cents; and in Hamilton county, in addition thereto, for placing upon the duplicate any special assessments certified by any auditor, clerk, or other proper officer, of a municipality within the county, in accordance with the provision of section 2295, Revised Statutes of Ohio, an amount equal to one per cent of the amount of such assessments collected and paid into the county treasury. At the next semi-annual settlement of taxes, the auditor shall deduct from the assessment collections of each municipality the amount so to be received by him, and he shall apportion the entire amount so deducted for all municipalities to the fee fund of the county as earnings of the auditor's office.

Repeals, etc.

SECTION 4. That sections 1071, 1070, and 1075, of the Revised Statutes of Ohio, be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902.

333G

[House Bill No. 317.]

AN ACT

To amend an act passed April 14, 1900, entitled "An act to prevent the introduction and spread of the San Jose scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits."

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to keep upon premises or dispose of any tree, plant, etc., infected with dangerous insects or plant diseases; exception.

SECTION 1. That it shall be unlawful for any person to knowingly keep, or permit to be kept, upon his premises, or upon premises under his charge or control, any tree infected with the disease known as peach yellows, or any part of a tree infected with the disease known as black knot, or any tree, shrub, plant, or vine infected with any dangerously infectious disease, or any tree, shrub, plant or vine infected with San Jose scale, canker worm or gypsy moth, or any other dangerously noxious insect pests, unless such trees, shrubs, plants or vines so infested are subjected to such treatment as may be approved by the Ohio state board of agriculture. It shall also be unlawful for any person or persons to knowingly sell, or offer for sale, or to give away, any tree, shrub, plant or vine, or any part of a tree, shrub, plant or vine, infected or infested by any of the aforesaid diseases, or insects, or any other dangerously infectious disease or noxious insect.

Appointment of inspector and assistants.

SECTION 2. The Ohio state board of agriculture shall, upon the passage of this act, appoint a competent person as inspector and the necessary assistants, who shall, under the direction of the said board, perform the duties of inspecting trees, shrubs, plants and vines as prescribed in this act.

Annual examination of nurseries.

Said inspector, or his assistants, shall, once a year, or as often as may be deemed necessary by the board, examine the trees, shrubs, plants and vines in the nurseries and on the premises of all persons within the state who are engaged in growing or selling trees, shrubs, plants and vines.

Certificate.

If upon examination by the inspector or his assistants, the trees, shrubs, plants and vines in the nursery or on the premises of any such person within the state, appear to be free from noxious insects and dangerously infectious diseases, a certificate stating such to be the fact shall be given to the owner or lessee. This certificate shall be given not later than September 15 of each year, and shall be void after September 15 of the year following.

Filing thereof.

A duplicate of each certificate shall be filed by said inspector with the secretary of the Ohio state board of agriculture within ten days after its issue.

Treatment of affected nursery stock.

If any dangerous insect or infectious diseases are found upon nursery stock, or upon any trees, shrubs, plants or vines on the premises of any nursery, the inspector, or an assistant inspector, shall order and enforce such treatment of such nursery stock as may be deemed sufficient before granting a certificate. The inspector, or assistant, shall have power to make subsequent examinations, or inspections, at such times as may be deemed advisable, and the board may revoke a certificate when a nursery or premises

Revocation of certificate.

are found to be infested or infected with dangerously injurious insects or infectious diseases. The board, through its inspector or assistants may order, and enforce, such treatment of the infested or infected nursery stock as may be deemed sufficient, before renewing a certificate. Applications for certificates of inspection must be made to the Ohio state board of agriculture, on or before such date each year as shall be fixed by the said board. Applications received subsequent to the date thus fixed shall be acted upon at the earliest convenience of the inspector, or his assistants, and the traveling expenses of such officer shall be charged to the owner of the nursery stock inspected. The said inspector and assistants shall have the right, within reasonable business hours, to enter upon any premises in the prosecution of the duties as defined in this act.

Duty of person shipping nursery stock.

SECTION 3. Whenever a nurseryman or other person shall ship, or deliver, within this state, except for scientific purposes, trees, shrubs, plants or other nursery stock not herein excepted, he shall place upon each car load, box, bale or package a copy of a certificate, the original of which is signed by said inspector or assistant, stating that the said stock has been inspected and has been found apparently free from dangerous insects and dangerously contagious tree, shrub, plant and vine diseases. The illegal use of said certificate by changing, defacing, or placing it on uninspected stock, or using the same after date of expiration or revocation, shall render the owner or shipper liable to the penalties prescribed for a violation of this act. Nurserymen shall furnish transportation to and from railway stations and facilities for reaching their growing stock, to such inspector or assistants as may be selected by the state board of agriculture to make inspections.

Illegal use of certificate.

As to plants shipped into this state.

SECTION 4. Every package of trees, shrubs, plants or vines shipped into this state from any other state, territory, country or province, shall be plainly labeled on the outside with the names of the consignor and consignee, and a certificate showing that the contents have been inspected by a state or government officer, and that the trees, shrubs, plants or vines therein contained appear to be free from all dangerous insects or dangerously infectious diseases. If any trees, shrubs, plant or vines shall be shipped into this state without such certificate plainly fixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the Ohio state board of agriculture or its regularly appointed inspector or assistant, by the railroad, express or steamboat company, or by any other person or persons carrying the same, and it shall be unlawful to deliver such property until it has been examined by the inspector, or his assistants, and by him certified to be apparently free from dangerous insects or dangerously contagious diseases. Any agent or common carrier, or persons carrying such property as aforesaid, who shall fail to give such notice as is hereby required, shall be deemed guilty of a violation of this act. When nursery

stock is shipped into this state accompanied by a certificate as herein provided, it shall be held prima facie evidence of the facts therein stated. The inspector, by himself or his assistant, when he has reason to believe that any such stock is infested or infected, as heretofore described, shall be authorized to inspect the same. In case such stock is found to be infested or infected by any dangerously infectious insects or plant diseases, such stock shall be seized and held subject to the order of the shipper, and the shipper shall be notified immediately of such seizure and after ten days from such seizure the same may be declared a public nuisance and destroyed. All expenses incurred by the Ohio state board of agriculture in carrying out the provisions of this act shall be paid out of the funds appropriated by this act and such other funds as may be received under the provisions of sections 2, 9 and 10 of this act.

Annual report to governor.

SECTION 5. The Ohio state board of agriculture shall make an annual report to the governor of the state, a copy of which shall be sent to the Ohio state horticultural society at its annual meeting, showing the number of nurseries inspected, the number of certificates issued, the number of trees ordered to be treated, the number condemned and the number destroyed by the inspector or assistants, and relating such other operations in the carrying out of this act as may be deemed necessary.

Act does not apply to greenhouses.

SECTION 6. The provisions of this act shall not apply to greenhouse plants and cuttings thereof, bulbs, flowers, and vegetable plants.

Disposition of moneys received.

SECTION 7. The said inspector and assistants shall pay over to the state board of agriculture all funds coming into their hands under the provisions of section 2, of this act, with an itemized statement of the sources whence received, which moneys shall be used by said board to aid in carrying into effect the provisions of this act, and the amount so received shall be stated in the annual report of said board of agriculture. The said inspector and assistants shall also make to said board an itemized statement of their expenses in prosecuting the work under this act, which, when certified by the said board, shall be paid out of the state treasury upon the warrant of the auditor of state.

Expenses of assistants.

Examination of tree, plant, etc., upon petition.

SECTION 8. Upon the petition of any freeholder or lessee within the state of Ohio, the state board of agriculture may cause to be examined any tree, shrub, plant or vine, either upon the premises of said petitioner, or in dangerous proximity thereto, as to the presence of any disease known as peach yellow and black knot, and such insects known as San Jose scale, gypsy moth, canker worm, or any other dangerously noxious insect or infectious disease. If examination discloses the presence of peach yellows, black knot, San Jose scale, gypsy moth, canker worm, or any other dangerously noxious insect or infectious disease, the inspector or an assistant shall at once notify the owner or lessee of the premises in writing of the facts. He shall also prescribe treatment or destruction in accordance with

Destruction or treatment.

the directions issued by the Ohio state board of agriculture, which shall state the limit of time within which such destruction or treatment must be accomplished. The notice shall also state when such infected or infested trees, shrubs, plants or vines shall be declared a public nuisance, provided the orders for destruction or treatment are not complied with. The estimated distance to other trees or orchards and to nurseries shall be given by the inspector of the state board of agriculture.

Penalty for violation of this act.

SECTION 9. Any owner or lessee who shall fail, neglect or refuse to treat or destroy infested or infected trees, shrubs, plants or vines within the time prescribed in said notice or in any order made pursuant to the provisions of this act, or who shall fail, neglect or refuse to comply with any order made pursuant to the provisions hereof, or, who shall violate or neglect, to carry out, or offer any hindrance to the carrying out of, any provisions of this act, shall be adjudged guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars and not more than one hundred dollars for the first offense, and not less than fifty dollars or more than three hundred dollars for any subsequent offense, and costs of prosecution, and stand committed until the same are paid. It shall be the duty of the prosecuting attorney of the county to attend to all prosecutions under this act and all fines recovered shall be paid, by the prosecuting attorney, to the Ohio state board of agriculture. The probate court of each county in the state, shall have original and final jurisdiction in all prosecutions under any provisions of this act, and, for the trial of the same, such courts shall always be open regardless of the terms fixed in said courts for the trial of criminal cases, and the complainant shall not be required to give security for costs.

Probate court given jurisdiction in prosecutions under this act.

Destruction of trees, plants, etc., by board of agriculture or inspector; expenses, how borne.

SECTION 10. Whenever the Ohio state board of agriculture, or any inspector duly appointed by said board, shall order or direct any infested or infected trees, plants, shrubs or vines to be destroyed, and such order or direction shall not be obeyed or complied with, within ten days thereafter, the Ohio state board of agriculture, or, any duly appointed inspector of said board, before proceeding to destroy the same, shall commence an action in the probate court of the county in which such infested or infected trees, plants, shrubs or vines are situated, to have judicially determined the question whether such trees, plants, shrubs or vines are so infested or infected, and, if it shall be determined by said court, in the manner hereinafter mentioned, that any trees, plants, shrubs or vines so ordered to be destroyed are infested or infected, the said the Ohio state board of agriculture shall destroy forthwith all such trees, plants, shrubs or vines so found by said court to be so infested or infected, and all the costs and expenses of such destruction shall be certified to the county auditor of the county in which the suit was brought who shall place the same upon the tax duplicate against the land upon which such infested or in-

fected trees, plants, shrubs or vines were located, and the same shall become a lien upon said premises, and shall be collected by the county treasurer as other taxes, and when collected to be paid to the Ohio state board of agriculture. Such action shall be commenced by filing an affidavit in such probate court in which shall be set forth that the trees, plants, shrubs or vines are infested or infected, a description of the premises whereon the same are located, and the name of the owner or lessee of such premises, and if the same are nursery stock being shipped into this state, the name of the person, firm or corporation, in whose possession the same are found shall be stated in such affidavit, and the names of all persons who shall have any interest in the controversy, shall be mentioned in such affidavit and the nature of their interest or claim stated therein; upon such affidavit being filed, the probate judge shall issue a summons for all the persons mentioned therein, which shall contain a copy of such affidavit, commanding such person to appear at a time to be fixed therein, not exceeding five days from the date of issuing such summons, and to answer such complaint; such summons shall be served by the sheriff of such county and returned forthwith. At the time fixed in said summons, if a jury be not waived, said court shall order a jury to be drawn, and such jury shall be drawn, summoned and impaneled the same as juries in other civil cases, in probate courts, and the state of Ohio shall be plaintiff and the persons named in said affidavit shall be defendants in said action. No pleadings except such affidavits shall be necessary, and the issue shall be whether the trees, plants, shrubs or vines are infested or infected as alleged in such affidavit, and all the proceedings in the trial of other civil cases in probate courts, as far as the same shall be applicable, shall be observed in the trial of such cases. If the jury shall find a verdict in favor of the plaintiff, the court shall issue an order that the trees, plants, shrubs or vines mentioned in the affidavit, or such portion thereof as may be found to be infested or infected, be destroyed, and order the defendant whose duty it shall be to destroy the same to pay the costs, and execution may be issued for such costs, but if the verdict shall be in favor of the defendant or defendants and against the state of Ohio, the court shall order such proceedings to be dismissed and render judgment for costs against the state of Ohio, and in such proceedings, either party may prosecute proceedings in error, and all the laws applicable to proceedings in error in the court of common pleas for a review of the judgment and proceedings of probate courts shall be applicable in such proceedngs. It shall be the duty of the prosecuting attorney of the county to attend to all proceedings. The summons in such action may be served by the sheriff of the county in which the action is brought in any county in this state, and if a person, firm or corporation shall be a defendant who shall be a non-resident of the state, such person, firm or corporation may be served by

mailing such summons, addressed to the person, firm or corporation at their usual postoffice. The complainant shall not be required to give security for costs. For the trial of all such cases, the probate courts shall always be open, and proceedings under this act shall have precedence over all other cases. All costs which shall be adjudged against any complainant who shall be an inspector duly appointed by the Ohio state board of agriculture, in either the civil or criminal proceedings authorized by this act shall be paid by the Ohio state board of agriculture out of any funds appropriated to carry out the provisions of this act.

Appropriation for state board of agriculture.

SECTION 11. There is hereby appropriated to the said Ohio state board of agriculture for the purpose of carrying out the provisions of this act the sum of fifteen thousand dollars ($15,000) for the years 1902 and 1903, or so much thereof as may be necessary. The auditor of state is hereby authorized to draw his warrants upon the state treasurer against the sum herein appropriated upon the presentation of proper vouchers and the state treasurer shall pay the same out of any funds in the public treasury, not otherwise appropriated.

Repeals, etc.

SECTION 12. Said original act, passed April 14, 1900, entitled "An act to prevent the introduction and spread of the San Jose scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits," is hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 334G

[Senate Bill No. 96.]

AN ACT

To amend section four thousand nine hundred and twenty-five (4925) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Public ways; miscellaneous provisions:

SECTION 1. That section 4925 of the Revised Statutes of Ohio be amended so as to read as follows:

When county auditor may levy extra road tax.

Sec. 4925. When two-thirds of the resident freehold taxpayers living on the line of any state road, county road, township road or turnpike road, file a petition with the auditor of any county for an extra tax for the purpose of constructing, improving or repairing such road, he shall levy such tax of any amount that may be required, not exceeding six mills on the dollar valuation in any one year, on all the lands and taxable property for any distance on each

side of such road not exceeding one mile, and in no case more than half the distance from such road to any other state, county, township or free turnpike road running parallel or nearly parallel thereto.

SECTION 2. That said section 4925 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 335G

[Senate Bill No. 196.]

AN ACT

To authorize the surrender of leases for ministerial lands in section 29, township 7, range 13, Ohio Company's purchase, and the purchase of the same in fee simple.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any lessee, sublessee or owner in any way, of a leasehold interest in section 29, of township 7, range 13, Ohio Company's purchase — being in Morgan county, Ohio — granted by the special trustees of said original township 7, may surrender any such lease to the auditor of said Morgan county, and pay to said auditor the appraised value of said leasehold; and upon such surrender and payment being made said auditor shall certify those facts to the auditor of the state of Ohio; whereupon the governor of said state shall by deed duly executed convey, in fee simple, to such person the lands so covered by said lease. Surrender of leases for parts of section 29; Morgan county. Purchase of such parts and deeds for same.

SECTION 2. The proceeds of such sale shall be turned over to the treasurer of said state and shall become a part of, and belong to, the permanent ministerial fund for the use and benefit of said township No. 7. Disposition of proceeds of sale.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 336G

[House Bill No. 207.]

AN ACT

To authorize claimants for damages and rebate of license fees under an act passed April 26, 1898, entitled "An act for the further and better protection of fish and game," (O. L., v. 93, pp. 303-307), to sue the state of Ohio.

Preamble:

WHEREAS, The general assembly of the state of Ohio passed an act April 26, 1898, entitled, "An act for the further and better protection of fish and game" (O. L., vol. 93, pp. 303-307, inclusive), which compelled fishermen to procure a license, for authority to fish with fishing devices in Lake Erie and its bays, and provided for the summary destruction of the same, if such license fee was not paid and the license procured; and

WHEREAS, Under said act a large number of fishermen were required to pay the commissioners of fish and game certain sums of money for such license, and certain fishing devices were seized and injured or destroyed, and the owners suffered damages for the injury and destruction of their property and for the loss of the use of the same, in consequence of the enforcement of said act; and

WHEREAS, Said act has been declared unconstitutional by the lower courts of Ohio, and such courts have held that the seizure and destruction of said fishing devices, and the collection of said license fee was without authority under the constitution of the state; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Provision for suit against state for recovery of damages resulting from seizure, etc., of fishing devices and for recovery of license fee, or both.

SECTION 1. That any resident of the state of Ohio whose fishing devices were seized by virtue of the provisions of the act of April 26th, 1898, entitled, "An act for the further and better protection of fish and game" (O. L., vol. 93, pp. 303-307), and, also, any resident of the state of Ohio who paid the license fee required under said act, may sue the state of Ohio, in its courts, in the county where the seizures were made, or in the county where the claimant or claimants reside, for the recovery of any damages which resulted from any seizure, injury or destruction of any fishing devices under said act, or, for the recovery of any license fee paid under said act, or, for both such damages and such license fee, and the claimant shall set forth in his petition, in addition to all other necessary facts, that said act, so far as it provides for a seizure and destruction of fishing devices, or, for the payment of the license fee, as therein mentioned and required, or, so far as it provides for either, is a violation of the constitution of the state of Ohio, or of the United States, or of either, and the court, before hearing or determining the issues of fact, shall first determine whether said act is unconstitutional in either one or both particulars, above mentioned, and, if the action shall be for a recovery of damages resulting from the seizure, provided by the terms of said act, and the court shall hold that the provisions of said act authorizing such seizure, is in violation of the constitution of the state of Ohio, or of the United States, then

What petition to contain.

such action shall proceed, and the claimant may have judgment against the state of Ohio, for such damages, as may be shown by the evidence, not to exceed the value of the property destroyed; provided, however, no other damages shall be included in the verdict or judgment, otherwise such action for damages shall be dismissed, and, if the action shall be for a recovery of any license fee paid under said act, and the court shall hold that the provisions of said act authorizing the levying or collection of such license fee, is in violation of the constitution of the state of Ohio, or of the United States, then such action shall proceed, and the claimant may have judgment against the state of Ohio, for the amount of license fee actually paid by him, under said act, as may be shown by the evidence, otherwise such action for such license fee shall be dismissed. In case any such action shall be dismissed, the complainant shall pay all the costs incurred in the case by either party, and in case a judgment shall be rendered against the state of Ohio, in either cause, a judgment may be rendered against the state of Ohio, for costs, and an action for the recovery of damages and for the recovery of such license fee may be joined in the same petition, but must be set out in two separate causes of action.

Costs.

SECTION 2. The court of common pleas shall have original jurisdiction of the actions authorized to be brought in the preceding section, regardless of the amount involved, and the summons in said actions, shall require the state of Ohio to appear and answer, as in civil actions, and the same shall be issued by the clerk of the court of the county in which the action is begun, to the sheriff of Franklin county, Ohio, and by such sheriff served upon the attorney general of the state of Ohio, and the same shall be served, endorsed and returned to the court from which it was issued, as in other cases: And it is hereby made the duty of the attorney general of the state of Ohio, and of the prosecuting attorney of the county, in which the action is pending, to attend to all such suits, on behalf of the state of Ohio. Provided, however, no action shall be brought under this act after one year from its passage, and all actions brought under this act shall have priority over all other actions, and in case any action brought under this act, shall be carried into the circuit court or supreme court, such courts shall advance the same upon the docket, and the same shall be heard, at an early date, in preference to all other cases.

Common pleas court given original jurisdiction; proceedings therein and in higher courts on error.

SECTION 3. That the commissioners of fish and game of the state of Ohio, with the advice of the attorney general, be and they are hereby authorized and directed, whenever, in their discretion, they deem it to the best interest of the state to adjust, compromise and agree with any complainant, resident of Ohio, whose fishing devices were seized, or, who paid the license fee, under said act, upon the amount of damages sustained because of any seizure, or, upon the amount of license fee which should be returned to such claimant, and such compromises or adjustments shall be in writing and signed by the fish and game commissioners

Compromise of claims.

and the claimant, and shall have the force and effect of a compromise of all such claims against the state of Ohio, and such written compromises and any such judgments as may be rendered under this act, shall be reported to the next general assembly, for such action as such general assembly may deem proper.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 337G

[House Bill No. 439.]

AN ACT

To amend section 1284 of the Revised Statutes of Ohio, as amended February 7th, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Salaries of state officers:

SECTION 1. That section 1284 of the Revised Statutes of Ohio, as amended February 7, 1902, be amended so as to read as follows:

Salaries of state and other officers.

Sec. 1284. Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; private secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant-general, two thousand dollars; assistant adjutant-general, fifteen hundred dollars; lieutenant governor, eight hundred dollars; judges of the supreme court and supreme court commission, six thousand dollars each; judges of the common pleas courts and of the superior courts twenty-five hundred dollars each; secretary of state two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred and sixty dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each, four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matron of same, four hundred dollars; superintendent of asylums for the insane, each, twelve hun-

dred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eighteen hundred dollars, and state commissioner of common schools, two thousand dollars.

Repeals, etc.

SECTION 2. That original section 1284 of the Revised Statutes of Ohio, as amended February 7, 1902, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 338G

[Senate Bill No. 276.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio by adding supplemental section 897-5.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1 That a supplemental section be added to section 897 of the Revised Statutes of Ohio as follows:

Allowance for expenses of county commissioners.

Sec. 897-5. That when necessary to travel on official business within his county, each county commissioner, except in counties where the compensation of county commissioners is now or hereafter may be fixed by a stated salary, shall be allowed, in addition to his compensation and mileage, as provided in section 897, any other reasonable and necessary expense actually paid in the discharge of his official duty, not to exceed two hundred dollars in any one year, and each commissioner shall present an itemized statement of his accounts for per diem, mileage, services and expenses, as aforesaid, which before it is allowed, by a full board shall be certified to by the prosecuting attorney of the county and approved by the probate judge thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 339G

[Senate Bill No. 201.]

AN ACT

Authorizing changes in [and] the extensions of existing street railway routes, and in existing transfer systems.

Be it enacted by the General Assembly of the State of Ohio:

Municipalities may agree with street railway company for payment of percentage of gross receipts in lieu of car license fees.

SECTION 1. That it shall be competent for the board of public service, in any city of the first grade of the first class, and for the council or other legislative body of any other municipal corporation, by and with the consent of the mayor, to agree with any street railway company or companies operating any street railway route or routes in such city or other municipal corporation for the payment of a percentage or additional percentage not less than one per cent. upon its gross receipts in lieu of car license fees that may have been exacted under existing grants, and upon such changes in and extensions of existing street railway route or routes, and any changes in or revision of any prevailing or existing system of transfers between such routes as such board of public service or council, or other legislative body, may deem to be to the benefit, convenience or advantage of the public; provided, that nothing herein contained shall be construed to authorize any increase in the rate of fare by reason of any such changes, revisions or extensions; and provided, further, that when any such changes in or extensions of existing routes are made so as to run in whole or in part over and along existing tracks already belonging to such company or companies, it shall not be necessary to secure and file the consents to such changes or extensions of the owners of the property abutting on the streets on which such existing tracks are located. Provided, further, that nothing herein contained shall be construed to authorize the extension of the track or tracks of one street railway company over those of any other street railway company, otherwise than in the manner already provided by law, excepting by agreement of both such companies. Provided, that nothing herein contained shall authorize the extension of existing street railway routes or any portion thereof over and along existing tracks or portions thereof for a longer period than the terms for which the original franchises for such roads or routes existing at

No increase in rate of fare.

When not necessary to secure consents to changes or extensions of existing routes.

No extension in length of franchise.

the time of the passage of this act, were granted. Provided, further, that no resolution or ordinance, providing for such extension or change of route or routes, or changes or revision of systems of transfers, shall be passed until public notice of the pendency of such resolution or ordinance shall have been given in one or more of the daily newspapers published in said municipal corporation, if there be such, and, if not, then in one or more newspapers of general circulation in said municipal corporation, for the period of at least three consecutive weeks; and provided, further, that no change or extension of any existing route shall be granted over any street or streets now unoccupied by street railway tracks, unless the consent of a majority of the owners of property abutting on such street or streets shall have been first obtained as now by law required.

Notice of pendency of ordinance to extend or change route.

When consent to change, etc., necessary.

SECTION 2. Whenever any street railway route or routes shall have been changed under agreement as provided in the preceding section of this act, no subsequent change of said route or routes shall be made within a period of five years thereafter.

No subsequent change in five years.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed May 10, 1902. 340G

[House Bill No. 898.]

AN ACT

To amend and supplement section 3706 of the Revised Statutes of Ohio, with sectional numbering as herein stated.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3706 of the Revised Statutes be amended and supplemented, with sectional numbering as follows:

Agricultural corporations:

Sec. 3706. When a county society desires to sell its site for holding county fairs, for the purpose of purchasing another site, it may sell or lease the same in such manner and on such terms as it may deem proper, and the money arising from the sale or lease shall be paid by the purchaser to the county treasurer, who shall pay it out only upon the certificate of the president and secretary of the society that the same is to be used in the purchase, lease or improvement of another site, which site the certificate shall show to have been leased or purchased, and in cases where the county has paid any portion of the purchase money for the site proposed to be sold or leased, the written consent of the county commissioners shall first be given to such sale or lease. That whenever the site for holding county fairs

Societies may sell or lease, and purchase or lease other sites.

When consent of county commissioners required.

belonging to or occupied by any agricultural society organized under the laws of this state, shall have for any reason become unfit or inefficient for the purpose for which it is intended and used, and the board of directors of such agricultural society shall, at a regular meeting thereof, by a vote of at least a majority of all the members of said board, upon a call of the yeas and nays, pass a resolution for the purpose of securing the benefits of this act, declaring that such site has become unfit and inefficient as aforesaid, and that it is necessary, for the best interests of such agricultural society and such county, that such site be sold or leased, and a new site purchased or leased, for holding county fairs in such county, it shall be lawful for such agricultural society to sell or lease such unfit or inefficient site for holding county fairs, and to purchase or lease a new site as hereinafter provided. Within thirty days after the passage of such resolution said board of directors shall give notice in writing to the county commissioners of such county of the passage and adoption of said resolution, declaring the necessity of selling or leasing such site and of purchasing or leasing a new site, which notice shall contain or have annexed thereto a certified copy of said resolution, signed by the president and secretary of said board of directors.

When county commissioners shall complete and carry out contracts by such society.

Sec. 3706*a*. That whenever such agricultural society shall have given notice to the county commissioners as above provided, and shall have selected, or secured options for the purchase or lease of a new site for holding county fairs in such county, the board of directors of such society shall immediately give notice of all of such facts to the county commissioners, which said notice shall, in the event such old site is sold or leased before the purchase or lease of the new site, state the amount for which such old site was sold or leased, and shall also state the amount of money necessary to acquire by purchase or lease such new site, and the terms and conditions of the purchase or lease thereof, together with a full description of the tracts or parcels of land and improvements thereon, included in such new site. After the filing of the several notices herein provided for, the county commissioners shall proceed to complete and carry into effect any contract or contracts which such agricultural society may have made for the purchase or lease of said new site.

Provision for payment for such purchase or lease of lands.

Sec. 3706*b*. That the payment for the purchase or lease of the parcels or tracts of land included in such new site, and the improvements, buildings and structures thereon, shall be made by the county commissioners from any unappropriated funds in the county treasury at the time said payments are to be made, and if no such funds are in the county treasury at such times, then the county commissioners are hereby authorized to issue the bonds of the county for such amounts as may be necessary for the purchase or lease of said land and the improvements thereon; provided, that in the event such old site is sold or leased before such new site is purchased or leased, said agricultural society

shall, in making said payments, first apply the moneys realized from the sale or lease of such old site to the purchase or lease of new site; and in the event such old site is sold or leased after the purchase or lease of such new site, the amounts realized from such sale or lease shall be placed to the credit of the sinking fund for the redemption of the bonds to be issued as hereinafter provided. Such bonds shall bear interest at a rate not to exceed three and one-half ($3\frac{1}{2}$) per cent per annum, payable semi-annually, and shall not be sold at less than their par value, and shall be payable at such place as said county commissioners shall determine, not less than ten years from the date thereof; and to provide for the payment of said bonds and the interest thereon the said county commissioners are hereby authorized to levy such annual taxes on all the taxable property of the county, as may be necessary to create and provide a sinking fund for the redemption of such bonds at maturity and the interest accruing thereon. Said levy shall be collected and accounted for to the county treasurer of the county in the manner provided for the collection of other taxes. Before issuing such bonds, the commissioners shall, by resolution, submit to the qualified electors of the county at the next general election for county officers held not less than thirty days after receiving from such agricultural society the notice provided for in section 3706, the question of issuing and selling such bonds, in amount and denomination as may be necessary for the purpose in view, and shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county, and such deputy state supervisors of elections shall place the question of issuing and selling such bonds upon the ballot and make all other necessary arrangement for the submission of such question to the qualified electors of such county, at the time fixed by the resolution. The votes cast upon such question shall be counted, canvassed and certified in the same manner, except as otherwise provided by law, as votes cast for county officers. Fifteen days' notice of such submission shall be given by the deputy state supervisors of elections, by publication once a week for two consecutive weeks in two or more newspapers published in the county, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and places of holding such elections. Said question shall be stated on the ballot as follows: "For the issue of county fair bonds, yes;" "For the issue of county fair bonds, no," and if the majority of the voters voting upon the question of issuing the bonds in favor thereof, then and not otherwise shall such bonds be issued, and the tax hereinbefore mentioned be levied.

Control and management of lands where title is vested in county commissioners.

Sec. 3706c. That where the title to the grounds and improvements occupied by agricultural societies is vested in the county commissioners, the control and management of such lands and improvements shall be vested in the board of directors of such agricultural society so long as the same shall be occupied and used by such society for holding

agricultural fairs, and all moneys realized by said agricultural society in the holding of county fairs and derived from renting or leasing said grounds and buildings, or portions thereof, in the conduct of said county fairs or otherwise, over and above the necessary expenses thereof, shall be paid into the county treasury of said society to be used as a fund for keeping said grounds and buildings in good order and repair, and in making such other improvements as may from time to time be deemed necessary by the directors of said society.

Repeals, etc.

SECTION 2. That said original section 3706 of the Revised Statutes be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 341G

[Senate Bill No. 246.]

AN ACT

To amend section 1476 of the Revised Statutes of Ohio, authorizing the trustees of a township to establish and maintain a public library.

Be it enacted by the General Assembly of the State of Ohio:

Township library:

SECTION 1. That section 1476 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Question of public library shall be submitted to electors.

Sec. 1476. The trustees of any township, on the petition of twenty electors thereof, shall upon four weeks' public notice, published in some paper of general circulation in the county, submit to the electors of such township, at some general election in April or November, the question whether there shall be a public library established in such township for the use and benefit of the citizens thereof, and those voting at such election in favor of such library shall put upon their ballots the words "public library — yes," and those voting thereat against such library, the words, "public library — no;" and if a majority of the electors voting at such election vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property of such township a tax not exceeding one-tenth of one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library as aforesaid, and the procuring of a suitable room or rooms for the same. (70 v. 244, 1.)

When tax may be levied and how much.

SECTION 2. Original section 1476 is hereby repealed, and this act shall be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 342G

[Senate Bill No. 190.]

AN ACT

To amend section 2709 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2709 of the Revised Statutes of Ohio be amended so as to read as follows: Power to borrow money, etc:

Sec. 2709. Whenever any municipal corporation issues its bonds, it shall first offer them at par and accrued interest to the trustees or commissioners, in their official capacity, of the sinking fund, or, in case there are no such trustees or commissioners, to the officer or officers of such corporation having charge of its debts, in their official capacity, and only after their refusal to take all or any of such bonds at par and interest, bona fide for and to be held for the benefit of such corporation, sinking fund or debt, shall such bonds, or as many of them as remain, be advertised for public sale. Municipal bonds first offered to sinking fund trustees.

In no case shall the bonds of the corporation be sold for less than their par value; nor shall such bonds, when so held for the benefit of such sinking fund or debt, be sold, except when necessary to meet the requirements of such fund or debt. Not to be sold for less than par.

All sales of bonds, other than to the sinking fund, by any municipal corporation, shall be to the highest and best bidder, after thirty days' notice in at least two leading newspapers of opposite politics and of general circulation in the county where such municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such county by order of the corporation council. Sold to highest bidder after notice by publication.

Provided, however, when any such bonds have been once so advertised and offered for public sale, and the same, or any part thereof, remain unsold, then said bonds, or as many as remain unsold, may be sold at private sale at not less than their par value, under the direction of the mayor, and the officers and agents of the corporation by whom said bonds have been, or shall be prepared, advertised and offered at public sale. When may be sold at private sale.

Refunding of corporate indebtedness.

Provided, further, that when it shall appear to the trustees or council of any municipal corporation to be for the best interests of such corporation to renew or refund any bonded indebtedness of such corporation which shall not have matured, and thereby reduce the rate of interest thereon, such trustees or council shall have authority to issue for that purpose new bonds, with semi-annual interest coupons attached and to exchange the same with the holder or holders of such outstanding bonds, if such holder or holders shall consent to make such exchange and to such reduction of interest.

Rates of interest.

But the rate per annum of interest on any such new bonds thus issued in exchange by any city of the first class, or by any city of the first or second grade of the second class shall not exceed four and one-half ($4\frac{1}{2}$) per cent, and by any other city shall not exceed five (5) per cent, and by other municipalities shall not exceed five and one-half ($5\frac{1}{2}$) per cent; such new bonds shall not in any case be so issued in an amount in excess of such outstanding bonded indebtedness so to be renewed or refunded, and may be in such denominations and payable at such time or times and at such place as may be determined by such trustees or council.

Repeals.

SECTION 2. That said original section 2709 of the Revised Statutes be repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 343G

[Senate Bill No. 279.]

AN ACT

To amend section 2689*a* of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Finance and taxation:

SECTION 1. That section 2689*a* of the Revised Statutes of Ohio be and the same is hereby so amended as to read as follows:

Maximum of municipal taxes allowable in municipalities other than Cincinnati; exception.

SEC. 2689*a*. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purpose above the tax for the county and state purposes, and excluding the tax for school and schoolhouse purposes, and in villages of the first class any tax levied for the creation of a library fund as provided in an act passed March 15, 1892, entitled "An act to provide for the creation of library boards for certain cities and villages, and prescribing the

duties of such boards," shall not exceed in any one year, in cities of the second grade of the first class, nine and three-tenths mills; and for paving streets one mill; and for park purposes five-tenths of one mill; and for sewer purposes five mills; and for garbage disposal purposes five-tenths of one mill; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, sixteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall first be paid; and annually not less than two (2) mills of the remainder shall be levied for sinking fund purposes; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of such cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class, ten mills, and in cities of the third grade A of the second class ten mills; provided, that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills, and in all other villages, ten mills on each dollar of the value of any property as valued for taxation on the county tax list; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, page 11.)

Cleveland.

Toledo.

Columbus and Dayton.

Cities of third grade of second class.

Cities of fourth grade of second class. Villages.

And also provided that the councils of the municipalities mentioned in this section shall, annually at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named, be changed and all transfers of funds from one account to another are hereby expressly prohibited.

Distribution of such taxes.

Provided, however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the

Surplus in police fund from Dow tax.

special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

Repeals.

SECTION 2. That said original section 2689*a* of the Revised Statutes of the state of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 344G

[Senate Bill No. 182.]

AN ACT

To amend an act entitled "An act to amend and supplement sections 2505*a* and 2505*b* of the Revised Statutes of Ohio, as enacted May 1st, 1891, and amended April 18th, 1892," and passed April 22nd, 1896, (vol. 92, page 277).

Be it enacted by the General Assembly of the State of Ohio:

Railways in corporate limits.

SECTION 1. That section 2505*b* of an act passed April 22nd, 1896, entitled, "An act to amend and supplement sections 2505*a* and 2505*b* of the Revised Statutes of Ohio, as enacted May 1st, 1891, and amended April 18th, 1892," (Vol. 92, page 277), be and the same is amended so as to read as follows:

Consolidation of street railroad companies.

SECTION 2. Whenever the lines or authorized lines of road of any street railroad corporations or companies meet or intersect, or can be conveniently operated from one power house or from a power house or power houses owned, under lease or operated by one of such street railroad corporations or companies, or whenever any such line of any street railroad corporation or company, and that of any inclined plane railway or railroad company or corporation, or any railroad operated by electricity may be conveniently connected, to be operated to mutual advantage, or whenever any such line of any street railroad corporation or company and that of any inclined plane railway or railroad company or corporation or the railway of any company operated by electricity can be conveniently operated from one power house or from a power house owned, under lease or operated by one of such street railroad corporations or companies or inclined plane railway or railroad companies or corporations or by any company or corporation, the railway of which is operated by electricity such corporations or companies, or any two or more of them, are hereby authorized to consolidate themselves into a single corporation, provided they are not competing lines, but the provisions herein as to competing lines shall have no

Proviso.

application to such companies or corporations whose lines are nearby or wholly situate in any city of the state of Ohio or whenever a line of road of any street railroad company or corporation organized in this state is made, or is in process of construction to the boundary line of the state, or to any point either within or without the state, such corporation or company may consolidate its capital stock with the capital stock of any corporation or company, or corporations and companies in an adjoining state, the line or lines of whose road or roads have been made or are in process of construction to the same point or points, in the same manner and with the same effect as provided for the consolidation of railroad companies in sections 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, and 3392 of the Revised Statutes, and any and all acts amendatory and supplementary to said sections and each of them; and the said sections, including these so amended and supplemented are adopted and made a part of this section.

Repeals.

SECTION 3. Section 2505*b* of an act passed April 22nd, 1896, entitled, "An act to amend and supplement sections 2505*a* and 2505*b* of the Revised Statutes of Ohio, as enacted May 1st, 1891, and amended April 18th, 1892, (Vol. 92, page 277), be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 345G

[House Bill No. 1050.]

AN ACT

To create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting, under the administration of the auditor of state.

Be it enacted by the General Assembly of the State of Ohio:

Bureau of inspection and supervision of public offices. Chief inspector, etc.

SECTION 1. There is hereby established in the department of the auditor of state, a bureau to be known as the bureau of inspection and supervision of public offices; the principal officer of said bureau shall be known as the chief inspector and supervisor of public offices; the auditor of state shall be, ex officio, chief inspector and supervisor of public offices, and as such chief inspector and supervisor, shall appoint not exceeding three deputies, no more than two of whom shall be of the same political party, who shall each receive a salary not exceeding two thousand dollars per annum, and a clerk who shall receive a salary not exceeding fifteen hundred dollars per annum, and in addition

Deputies and clerk; appointment, salary and expenses.

thereto an allowance for all necessary traveling and hotel expenses while absent from their places of residence in the discharge of their official duties.

Duty of auditor of state.

SECTION 2. (Duty of the auditor of state). The auditor of state through said bureau shall formulate, prescribe and install a system of accounting and reporting, in conformity with the provisions of this act, that shall be uniform for every public office and every public account of the same class, and which shall exhibit true accounts and detailed statements of funds collected, received and expended for account of the public for any purpose whatever, and by all public officers, employes or other persons, such accounts to show the receipt, use and disposition of all public property, and the income, if any, derived therefrom, and of all sources of public income and the amounts due and received from each source, all receipts, vouchers and other documents kept, or that may be required to be kept, necessary to isolate and prove the validity of every transaction, and all statements and reports, made or required to be made, for the internal administration of the office to which they pertain, and all reports published, or that may be required to be published, for the information of the people, regarding any and all details of the financial administration of public affairs.

Separate accounts.

SECTION 3. (Separate accounts). Separate accounts shall be kept for every appropriation or fund made by a taxing body, showing date and manner of each payment made out of the funds provided by such appropriation, the name, address and vocation of each person, organization, corporation or association, to whom paid, and for what purpose paid. Separate accounts shall be kept for each department, public improvement, undertaking, institution and public service industry under the jurisdiction of every taxing body, and of the state, and all service rendered by, or property transferred from one department, public improvement, undertaking, institution or public service industry to another shall be paid for at its true and full value by the department, public improvement, undertaking, institution or public service industry receiving the same, and no department, public improvement, undertaking, institution or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of any other department, public improvement, undertaking, institution, or public service industry. All unexpended balances of appropriations shall be transferred to the general fund whenever the account with an appropriation is closed.

Public service industries.

SECTION 4. (Public service industries). Separate accounts shall be kept for every public service industry which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for services rendered to the public and the amount and character of the service rendered therefor, and the amount collected annually from private

users, if any, for service rendered to them, and the amount and character of the service rendered therefor.

Comparative statistics.

SECTION 5. (Comparative statistics). The auditor of state through said bureau shall require from every taxing body and public institution financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class. Such reports shall be certified as to their correctness by said auditor of state, his deputies, or by a state examiner, or other person legally authorized to make such certificate. Their substance shall be published in an annual volume of comparative statistics that shall be issued for each class of accounts at the expense of the state as a public document, and shall be submitted by the auditor of state to the governor for transmittal to the legislature at the next regular session, or at a special session when required. Such reports shall contain an accurate statement in summarized form, of all collections made by or receipts received by the officers from all sources, all accounts due the public but not collected, and of all expenditures for every purpose and by what authority authorized, and also:

(*a*) A statement of all costs of ownership and operation and of all income of each and every public service industry owned and operated by a municipality.

(*b*) A statement of the entire public debt of every taxing body to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, the provisions made for the payment of the debt, together with such other information as may be required by the auditor of state.

Duty of public officers.

SECTION 6. (Duty of public officers). It shall be the duty of every public officer and employe to keep all accounts of his office in the form prescribed and to make all reports required by the auditor of state.

Every public officer and employe whose duty it is to collect or receive payments due the public shall deposit with the depository designated once every twenty-four consecutive hours, or as frequently as may be required by the ordinance or law enacted by the taxing body of which he is an officer or employe. In case a public officer or employe collects or receives funds for the account of a taxing body of which he is not an officer or employe, he shall during the Saturday of each week, pay to the proper officer of the taxing body for account of which the collection was made or payment was received, the full amount collected or received during the current week for the account of such taxing body. Refusal or neglect to perform these duties shall be deemed an offense against the efficiency of public administration and the welfare of the people, and shall be punished by removal from office, after trial and conviction by a court of competent jurisdiction.

State examiners; appointment, salary, etc.

SECTION 7. After the bureau of inspection and supervision shall have formulated and installed the system of uniform accounting in any or all classes of public offices, the auditor of state is hereby empowered to appoint additional assistants as required to administer the provisions of this act; said additional assistants shall be known as state examiners who shall each be paid five dollars per day for the time necessary to the performance of his duties, and in addition thereto his necessary expenses incurred.

Powers of auditor of state.

SECTION 8. (Powers of the auditor of state). The auditor of state, a deputy inspector and supervisor, and every state examiner shall have power by himself, or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer, and shall make such an examination at least once a year. On every such examination inquiry shall be made as to the financial conditions and resources of the taxing body having jurisdiction over the appropriations disbursed by the office, whether the requirements of the constitution and statutory laws of the state, and the ordinances and orders of the taxing body have been properly complied with, and into the methods and accuracy of the accounts, and as to such other methods as the auditor of state may prescribe. The auditor of state, his deputies, every state examiner, and every person legally appointed to perform such service, shall have power to administer an oath to any person whose testimony may be required, on any such examination, and to compel the appearance and attendance of such person for the purpose of any such examination and investigation, and the production of books and papers. Willful false swearings in such examinations shall be perjury and shall be punishable as such. A report of each examination shall be made, and shall be a matter of record in the office of the auditor of state.

Expense of maintaining and operating bureau; how paid.

SECTION 9. The expense of maintaining and operating the bureau herein provided for shall be paid by the several counties out of the general county fund, in proportion to their population as shown by federal census next preceding the levy hereby authorized, and the auditor of state is hereby authorized and empowered to levy upon, and collect from each county in the state its proportion of said expenses; said amount shall be paid semi-annually during the months of June and December of each year following the passage of this act, and shall in the aggregate be only sufficient to pay said expenses. The same shall be paid in vouchers of the auditor of state, and all funds received by the auditor of state on this account shall be covered into the state treasury to the credit of bureau of inspection and supervision account.

Expense of audit.

SECTION 10. (Expense of audit). The expenses of auditing public accounts shall be paid by each taxing body for the auditing of all accounts under its jurisdiction, and the auditor of state is hereby authorized and empowered to levy and collect the same from each taxing body. Such

amount shall be only sufficient to fully cover all expenses incurred on behalf of such audit, they shall be paid on vouchers rendered by the auditor of state, and all funds received by the auditor of state on this account shall be covered into the state treasury to the credit of the public audit expense account.

SECTION 11. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 346G

[Senate Bill No. 223.]

AN ACT

To amend section 1 of an act entitled "An act to amend an act entitled an act relating to the posting of court calendars and legal notices in certain counties," as amended February 25, 1886, and May 9, 1894, 91 O. L., p. 208.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for courts of record.

SECTION 1. That section 1 of an act passed April 14, 1884, and amended February 25, 1886, and amended May 9, 1894, 91 O. L., p. 208, entitled, "An act relating to the posting of court calendars and legal notices in certain counties," to be amended so as to read as follows:

Publication of court calendars and legal notices in law journals.

SECTION 1. In all counties of this state having a city of the first class or a city of the first grade of the second class, the judges of the courts of record in such counties, other than circuit court, shall jointly designate said daily law journal published in said county, wherein shall be published all calendars of the courts of record in said county, which calendars shall contain the numbers and titles of causes, and names of attorneys appearing therein, together with the motion dockets and also such particulars and notices respecting causes, as may be specified by said judges and every notice required to be published by any of said judges. And in all cases, proceedings, administrations of estates, assignments and matters pending to any of the courts of record of said county, wherein legal notices or advertisements are required by law to be published, the law journal designated as above shall once a week and on the same day of the week, publish an abstract of every such legal advertisement, provided, however, that the jurisdiction over or irregularity of proceeding trial or judgment, shall in no wise be affected by anything therein.

Repeals, etc.

SECTION 2. Said section 1 of said act is hereby repealed and this act shall take effect and be in force on and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 347G

[House Bill No. 754.]

AN ACT

To amend section 4022*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Schools and attendance enforced.

SECTION 1. That section 4022*a* of the Revised Statutes of Ohio be so amended as to read as follows:

Attendance at nearest school.

Sec. 4022*a*. The board of education of any township district, subdistrict, joint subdistrict, special or village district, within the state of Ohio, shall permit children of school age who reside further than one and one-half miles from the school where they have a legal residence under the school laws of Ohio, to attend the nearest subdistrict or joint subdistrict school; or the grades below the high school in special and village district schools; and where such children are under twelve years of age, boards of education of city districts of the first class shall permit them to attend the schools under their control and the per capita current expense of running the school in the district where such children attend, for the term so attending, shall, upon the demand of the board of education of such district, be paid by the board of education of the district where such children have a legal residence. The per capita cost of running the school in the subdistrict, joint subdistrict, special or village district, shall be the quotient produced by dividing the total current expense of running such school by the total enrollment of such district; but this shall not prohibit boards of education affected to enter into contract at a cost less than the per capita cost; provided, that in counties containing a city of the second grade of the first class and the first grade of the second class, any board of education of any township district located therein may, when in its opinion the same will be for the best interests of the pupils therein, temporarily suspend school in any subdistrict, and provide for the conveyance of said pupils to the school in the adjoining subdistrict most convenient for them respectively. Provided that nothing in this act shall be so construed as to require any pupil to procure the consent of the board of education in the district in which said pupil is entitled to attend under the provisions of this act, but the attendance as herein provided for shall be as a matter of right.

Expense per capita.

Cuyahoga and Franklin counties.

Repeals, etc.

SECTION 2. Said original section 4022*a* of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 348G

[House Bill No. 546.]

AN ACT

To amend section 3718*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3718*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Offenses against public policy:

Sec. 3718*a*. Any justice of the peace, police judge, or mayor of any city or village, shall each have jurisdiction within his county, in all cases of violation of the laws to prevent the adulteration of food and drink, the adulteration or deception in the sale of dairy products, or any other foods, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals or children, or under section 3140-2, 4364-24, 4364-25, 6984, 6984*a* of the Revised Statutes of Ohio. In any such prosecution where imprisonment may be a part of the punishment, if a trial by jury be not waived, the said justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution is pending before him. Thereupon said clerk shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justce of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas. In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasury, in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals or children, or under section 3140-2, 6984, 6984*a* or (7017-3) Revised Statutes of Ohio, any humane society or their agents may employ an attorney to prosecute the same, who shall be

Jurisdiction of justices, police judges and mayors in prosecutions for adulteration of food, etc., and for cruelty to animals or children.

Judicial proceedings in such cases before justices.

Costs.

Attorney in prosecuting for cruelty to animals or children.

paid for his services out of the county treasury in such sum as any judge of the court of common pleas or probate judge, within said county, or the county commissioners, may approve as just and reasonable.

Jurisdiction and power of constable in such cases; fees.

In pursuing or arresting any defendant and in subpœnaing the witnesses, the jurisdiction and powers of the constable or other court officer acting in such capacity, in all such cases, shall be the same as that of the sheriff of the county in criminal cases in the common pleas court, and he shall receive the same fees therefor as are allowed said sheriff. Jurors in all such cases and witnesses subpœnaed in all such cases shall be entitled to like mileage and fees, as are allowed in criminal cases in the court of common pleas, and in all other respects, in so far as the same may be applicable, the procedure provided for in criminal cases in the common pleas court not otherwise inconsistent herewith, shall be followed. And provided further, that where, in any such laws, after the first offense, a different punishment is provided for subsequent offenses, the information or affidavit, in order to avail the state of the benefit of such additional punishment, shall so charge that it is the second or subsequent offense, und unless such special charge is so made, the punishment shall in all cases be as of the first offense. All costs and moneys which are to be paid by the county treasurer as herein provided, shall be paid out of the general revenue fund of said county.

Fees of jurors and witnesses.

Affidavit; what to contain.

New trial.

And in any case prosecuted under the provisions of this section, a new trial, after a verdict of conviction, may be granted, for any of the reasons enumerated in section seventy-three hundred and fifty of the Revised Statutes, upon the written application of the defendant, filed within three days after the rendition of the verdict; provided that the causes enumerated in subdivision two, three and five of said section must be sustained by affidavits or other evidence showing their truth and may be controverted by like evidence.

Repeals, etc.

SECTION 2. That said original section 3718*a* be, and the same is hereby repealed, and this act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 349G

[House Bill No. 909.]

AN ACT

To amend section 4105 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Toledo university:

SECTION 1. That section 4105 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 4105. That the provisions of this chapter shall be applicable to cities of the third grade of the first class, except that the custody and management of any and all estates or funds so given or transferred in trust to any such city for the promotion of education, or given to any university in such city authorized by this chapter and the entire administration of any and all such trusts accepted by the common council of such city, and of any university, college or institution for the promotion of education heretofore or hereafter so founded in or by such cities shall be committed to and exercised by the board of education of such cities of the third grade of the first class, and the office of directors and trustees heretofore existing under said section 4105 of the Revised Statutes, as amended April 16th, 1900, is hereby abolished; and such boards of education are authorized to make the tax levy of three-tenths of a mill on the dollar valuation as provided and designated in section 4104 of the Revised Statutes of Ohio for the same purpose as therein designated, except that the levy of five-hundredths of a mill on the dollar valuation therein authorized for the maintenance of an astronomical observatory shall be used by said board of education to maintain instruction in industrial occupations; and the arts and sciences allied therewith.

Board of education to have control and management of property held in trust for educational purposes, etc.

Office of directors and trustees abolished.

Tax levy.

SECTION 2. That section 4105 of the Revised Statutes of Ohio, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 350G

[House Bill No. 696.]

AN ACT

For the relief of Margaret Thomas, widow of Thomas Thomas, deceased, late an employe of the Ohio institution for feeble-minded, a state institution at Columbus, Ohio.

WHEREAS, Thomas Thomas, late of Columbus, Franklin county, Ohio, while in the discharge of his duties as carpenter at the Ohio institution for feeble-minded, in the city of Columbus, Ohio, a state institution, was, on the 6th day of June, A. D. 1899, instantly killed by being caught on a revolving shaft, same being the property of the state of Ohio; and

Preamble:

WHEREAS, Said accident resulted through no fault or carelessness of said Thomas Thomas, he being, at the time, engaged in the course of his proper duties; and

WHEREAS, The death of the said Thomas Thomas left the said Margaret Thomas, his widow, who was wholly dependent upon him for her support and maintenance, in impoverished circumstances; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Margaret Thomas.

SECTION 1. That the auditor of state be, and he is hereby, authorized and directed to issue his warrant on the treasurer of state to pay to Margaret Thomas, widow of said Thomas Thomas, deceased, the sum of twelve hundred dollars, which amount is hereby appropriated, out of any funds not otherwise appropriated, and which sum shall be in full liquidation and payment to said Margaret Thomas for the loss sustained by her in the death of her husband, Thomas Thomas, while he was engaged in the performance of his duties as employe of the state at the said Ohio institution for feeble-minded.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 351G

[House Bill No. 534.]

AN ACT

To supplement section 3630 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3630 of the Revised Statutes of the state of Ohio be amended and supplemented with an additional section to be known as section 3630*j*, with the following sectional numbering:

Foreign companies insuring against accidental injury or death, etc.; on what terms may be admitted to do business in state.

Sec. 3630*j*. Companies and associations organized under the laws of the United States and of other states, territories and nations, and doing the business of insuring against accidental personal injury and loss of life, sustained while traveling by railroad, steamboat or other mode of conveyance, and making all and every insurance connected with accidental loss of life and personal injury, sustained by accident of every description whatever, and against expenses and loss of time occasioned by injury or sickness, and on such terms and conditions, and for such periods of time, and confined to such countries and localities, and to such persons as from time to time may be provided in the by-laws of the company; and where payments and expenses are met by fixed annual payments, payable quarterly or

otherwise or by assessment on the members, payable as may be provided in the by-laws, or as provided in section 3630*j* of the Revised Statutes of Ohio, shall be admitted to do and transact such business in the state of Ohio, but shall, as a condition precedent to transacting business in this state, comply with the following conditions, to-wit: Deposit with the superintendent insurance (1) a certified copy of its charter or articles of incorporation; (2) a certificate from the insurance commissioner, or superintendent of its own state, showing its authority to do such business; (3) a certificate from said commissioner or superintendent or other like authority of its own state that corporation, companies or associations of this state engaged in the same or similar business, or engaged in the business of paying benefits in the case of sickness or disability, to be derived from assessments collected from the members, are, upon complying with the laws of said state, legally entitled to do business in such state; (4) a statement under the oath of its president and secretary or like officers, in the form by the superintendent of insurance required, of its business, for the preceding year; (5) a certificate under the oath of its president and secretary, or like officers, that such corporation, company or association is paying, and for the twelve months next preceding has paid the maximum amount named in its policies or certificates; (6) a copy of its policy or certificate, application and by-laws, which must show that the liabilities of the assured members are not limited or fixed or artificial premiums; (7) evidence satisfactory to said superintendent that such corporation, company or association has accumulated and maintained a fund, securely invested in securities permitted by the laws of its corporation, not less in amount than the proceeds of one periodical payment by, or an assessment on all certificate or policy holders thereof, and that such fund is held solely for the benefit or certificate or policy holders and can only be used for the purposes provided in the laws of the state where incorporated; provided, that said fund shall not be less than five thousand dollars, and need not be more than ten thousand dollars; provided, the license to do business in this state shall not be delivered to any such corporation, company, or association, until it shall have filed with the superintendent of insurance an appointment of an attorney within the state upon whom service of process may be had. The superintendent of insurance shall thereupon issue to such corporation, company or association a certificate of authority to transact its business in the state of Ohio, which said certificate of authority must be renewed annually, and it shall be the duty of the superintendent of insurance to refuse such certificate to any such corporation, company or association, when in his judgment such refusal will best promote the public interest: provided, that all decisions by him made shall be subject to review by courts of competent jurisdiction.

SECTION 2. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 352G

House Bill No. 1100.]

AN ACT

To amend an act passed May 2nd, 1902, entitled "An act to better protect the lives of railway employes and the traveling public, and to repeal an act therein named.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful for railroad company to run freight train with less than full train crew.

SECTION 1. That it shall be unlawful for any railroad company in the state of Ohio, that runs more than four freight trains in every twenty-four hours, to run over their road, or any part thereof, outside of yard limits, any through freight train with less than a full train crew, consisting of five persons; one engineer, one fireman, one conductor, and two brakemen except that a light engine without cars shall have the following crew: One engineer, one fireman, and one conductor or flagman when running a distance of more than twenty-five miles from starting point.

Penalty.

SECTION 2. That any superintendent or his assistants or other officer, or employe of any railroad company doing business in the state of Ohio, who shall send out on the road, or cause to be sent out on any road, that runs more than four freight trains in twenty-four hours, any through freight train whose crew consists of less than those named in section one of this act, shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars for each offense, the probate courts of the several counties of this state shall have final jurisdiction of offenses under this act.

Commissioner of railroads and telegraphs to enforce this act.

SECTION 3. It shall be the duty of the commissioners of railroads and telegraphs to enforce this act.

SECTION 4. That the act entitled "An act to better protect the lives of railway employes and the traveling public," as passed May 2nd, 1902, be and the same is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 353G

[House Bill No. 1102.]

AN ACT

To amend section 4404 of the Revised Statutes of Ohio as amended April 29, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Dentistry.

SECTION 1. That section 4404 of the Revised Statutes of Ohio as amended April 29, 1902, be so amended as to read as follows:

Requirements for practice of dentistry.

Sec. 4404. From and after June 1, 1902, it shall be unlawful for any person to practice dentistry in this state, unless such person shall have first obtained a certificate of qualification issued by the state board of dental examiners of this state, as hereinafter provided.

Board of dental examiners; appointment of members; vacancies.

1. A board of dental examiners, to consist of five practicing dentists, not members of dental college faculties, resident in this state, is hereby created, whose duty it shall be to carry out the purposes and to enforce the provisions of this act. The members of the first board of dental examiners under the provisions of this act shall be appointed by the governor of the state on or before the first day of June, 1902. The term for which members of said board shall be appointed shall be three years, and until their successors shall be duly appointed and qualified, and no person shall be appointed for or serve to exceed two terms in succession. All vacancies in said board caused by expiration of term, or otherwise, shall be filled by appointment by the governor of the state.

Rules; organization; meetings; minutes.

2. Said board shall have power to make reasonable rules and regulations for the purpose of carrying out and enforcing the provisions of this act. It shall choose one of its members president, one secretary and one treasurer; and shall hold two regular meetings in the city of Columbus, on the last Tuesday in June and November, in each year, and at such other times as may be deemed necessary by said board. A majority of said board shall at all times constitute a quorum thereof for the transaction of business, but a less number may adjourn from time to time. The board shall keep full minutes of all its proceedings, and a full register of all persons licensed and certified as dentists by said board, which shall be public records, and at all reasonable times open to inspection as such. The board shall render an annual itemized report of all moneys received and disbursed, also a summary of all official acts to the governor of the state, upon the first day of January each and every year. A transcript of any of the entries in such minutes and register, certified by the secretary, under the seal of said board, shall at all times and places be competent evidence of the facts therein stated. The members of the board shall have power to administer oaths, and the board shall have power to hear testimony in all matters relating to the duties imposed upon it by law.

Register of dentists.

Report to governor.

Certified copies of minutes; evidence of what.

Power to administer oath.

Application for license; fee.

3. Any and all persons who shall desire to practice dentistry in this state after June 1, 1902, except such persons as are legally practicing dentistry, as defined in this act in this state at the time of the passage of this act, shall file application in writing with the secretary of said board of dental examiners for examination or license or both, and at the time of making such application shall pay to the secretary of said board a fee of twenty dollars; except such person or persons who are not required to take the state board examination, shall pay a license fee of ten dollars; and each applicant shall present himself before said board at its first meeting after filing his application for examination or license by said board. The applicant for examination shall present a diploma from some legally chartered dental college and pass a satisfactory examination as hereinafter described. Upon a unanimous vote of the board, said board may excuse from examination an applicant holding a license to practice in some state requiring a diploma and examination, upon the payment of the examination fee. The board shall excuse from examination all graduates of dental colleges of this state up to and including the June, 1905, session of the board; also any person or all persons who has or have been the proprietor or proprietors of a dental office or a place of performing dental work in this state, continuously since January 1, 1893. Such person or persons shall be licensed and registered upon application and paying such license fee as is herein provided. The board shall admit to examination, during the years 1902 and 1903, any person who is a legal resident of this state, and has been a student of dentistry, under a preceptor, for twelve months prior to the passage of this act. The examination shall consist of practical demonstrations and written or oral tests, or both, at the option of the board, and shall include the following subjects, to-wit: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bacteriology, prosthetic, operative, and surgical dentistry. All persons successfully passing such examinations, or as above provided, and of good moral character, shall be registered and licensed by the said board of dental examiners, and shall receive a certificate of such registration and license duly authenticated by the seal and signature of the president and secretary of said board. In no case shall the examination fee be refunded. But said applicant may be reëxamined within twelve months without any additional fee.

Appearance of applicant.

Who may be excused from examination.

Examination.

Who shall be registered and licensed.

Fee not refunded.

Certificate to be conspicuously displayed.

4. Every person receiving such certificate of registration and license as dentist shall, before engaging in the practice of dentistry in this state, place and retain in place while engaged in the practice of dentistry in this state, such certificate of registration and license in a conspicuous position at his place of business, in such manner as to be easily seen and read. The certificate of the secretary of said board of dental examiners, under the seal of said board, stating that any person is a registered and licensed dentist, shall

be prima facie evidence that such person is entitled to practice dentistry in this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 354G

[House Bill No. 1004.]

AN ACT

To provide for the erection of a monument on Missionary Ridge, and markers for regiments engaged in the battles of Lookout Mountain and Missionary Ridge.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of the state of Ohio shall be, and is hereby authorized, to appoint a commission consisting of three citizens (all of whom shall have served as soldiers in the battle of Lookout Mountain, or in the battle of Missionary Ridge), who shall serve without compensation, but whose actual expenses shall be paid, to locate and erect a suitable monument upon the battlefield of Lookout Mountain, commemorative of the valor and services of the soldiers from Ohio who took part therein, and to put bronze markers, suitably inscribed, for each Ohio regiment or battery taking part in either battle of Lookout Mountain or Missionary Ridge, and so located as to indicate the important position occupied by each such organization in said battles.

Governor to appoint commission to locate and erect monument on battlefield of Lookout Mountain.

Bronze markers for each Ohio regiment.

SECTION 2. That said commission shall make a full report of its progress in the execution of its trust to the governor on or before the 15th of November of each year during the continuance of said trust.

Report to governor.

SECTION 3. That the sum of twenty-eight thousand dollars ($28,000) be, and the same is hereby appropriated out of any funds in the state treasury to the credit of the general revenue fund not otherwise appropriated, to be drawn and used by said commission, twenty thousand dollars ($20,000) for the erection of a monument on Missionary Ridge, seven thousand dollars ($7,000) for the procuring, inscription and location of bronze markers, and one thousand dollars ($1,000) for the payment of the expenses of said commission. Said appropriation to be available on and after the 16th of November, 1902.

Appropriation therefor.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 355G

[House Bill No. 806.]

AN ACT

To amend section 4804 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

One-mile assessment pikes:

SECTION 1. That section 4804 of the Revised Statutes of Ohio be amended so as to read as follows:

When petitioners reside in different counties.

Sec. 4804. When the resident land owners along any road in this state, the bounds of which under the provisions of this chapter, extend into different counties, wish to improve the same under the provisions of this chapter, they shall petition the boards of county commissioners of their respective counties as required by section forty-seven hundred and seventy-four of the Revised Statutes of Ohio; and in such case, the commissioners of the different counties may join in carrying out the provisions of this chapter by severally appointing commissioners to lay out and establish a free turnpike road, in all respects as if said petitioners reside wholly in one county; provided, that when a free turnpike road sought to be laid out under the provisions of this chapter lies wholly within one county, but within one mile of the county line upon either side of such proposed road, upon the petiton of a majority of the resident land owners within said county as provided by section forty-seven hundred and seventy-four of the Revised Statutes of Ohio, then the extra taxes shall be levied on the real and personal property that lies in such county within the bounds of such proposed road as provided by section forty-seven hundred and eighty-six of the Revised Statutes of Ohio.

Repeals, etc.

SECTION 2. That said original section 4804 of the Revised Statutes of Ohio, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 356G

[House Bill No. 268.]

AN ACT

To amend section 1692*f* (2) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Cities and villages; enumeration of powers:

SECTION 1. That section 1692*f* (2) of the Revised Statutes of the state of Ohio be, and the same is hereby amended to read as follows:

Elevators, fire escapes, etc.

Sec. 1692*f* (2). To regulate the construction, repair or alteration in and addition to buildings; to provide for the construction and erection of elevators and fire escapes

in and upon buildings; to regulate the construction and repair of wires, poles, plants and all equipment to be used for the generation and application of electricity; to provide for the removal and repair of insecure buildings, to provide for the appointment of an inspector or inspectors of buildings, and for the licensing of house movers, plumbers and sewer tappers.

SECTION 2. That said original section 1692*f* (2) be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 357G

[House Bill No. 257.]

AN ACT

To amend section 640 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 640 of the Revised Statutes of Ohio, be amended so as to read as follows: Benevolent institutions; trustees:

Sec. 640. Upon the nomination of superintendents, boards of trustees may appoint stewards, but said steward so appointed shall not, at the time of his appointment, be a resident of the county in which said institution is located of which he is to be steward, matron, physicians, assistant physicians, one of which may be a female, and other needed officers, and may remove such appointees at pleasure. They shall fix the compensation of each, not exceeding the maximum prescribed by law. The compensation of assistant physician shall not exceed six hundred dollars for the first year of service, but for subsequent years, as their services by experience become more efficient and valuable, such compensation may be increased for any year over the salary of the next preceding year by not more than two hundred dollars per annum; provided the compensation of assistant physicians as so increased shall never exceed twelve hundred dollars per annum. Either of the officers named in this section may be suspended by the superintendent, who shall report the fact, and his reasons therefor, immediately to the board of trustees; but this act shall only apply to institutions controlled exclusively by the state. Appointment of subordinates by. Compensation of appointees.

SECTION 2. That section 640 of the Revised Statutes of Ohio be and the same is hereby repealed; all acts or parts of acts inconsistent with this act are hereby declared Repeals, etc.

void as to such inconsistency but not otherwise; and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 358G

[House Bill No. 1103.]

AN ACT

To amend section 1530 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships:

SECTION 1. That section 1530 of the Revised Statutes of Ohio be amended so as to read as follows:

Compensation of trustees.

Sec. 1530. Each trustee shall be entitled to one dollar and fifty cents for each day's services in the discharge of his duties in relation to partition fences, to be paid in equal proportions by the parties, and one dollar and fifty cents for each day's services in the business of the township, to be paid out of the township treasury; but in no year shall the compensation of any trustee exceed one hundred and fifty dollars to be paid out of the treasury including services in connection with the poor, and each trustee shall present an itemized statement of his account for per diem and service as aforesaid, and the same shall be filed with the clerk of the township, and by him preserved for inspection by any person interested; provided that in any township of the state having a population by the last federal census in 1900 and which by any subsequent federal census shall have a population of not less than forty-eight thousand nor more than fifty thousand and not having a city infirmary therein, the compensation of any trustee of such township shall be six hundred dollars each year, to be paid out of the treasury monthly, including services in connection with the poor.

Itemized statement.

Exception for Youngstown township, Mahoning county.

Repeals.

SECTION 2. That section 1530 of the Revised Statutes of Ohio, as amended April 13th, 1892, shall be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 359G

[House Bill No. 1099.]

AN ACT

To amend section 7147 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7147 of the Revised Statutes of Ohio be amended so as to read as follows: Arrest, examination, bail, etc:

Sec. 7147. When the accused is brought before the magistrate and there is no plea of guilty, he shall as soon as may be, in the presence of the accused, inquire into the complaint; and if it appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, he shall order him to enter into a recognizance, with good and sufficient surety, in such an amount as he may deem reasonable, for his appearance at the proper time, before the proper court; otherwise he shall discharge him from custody; but if the offense charged is a misdemeanor, and the accused, in a writing subscribed by him, and filed before or during the examination, waive a jury and submit to be tried by the magistrate, he may render final judgment. Proceedings when there is no plea of guilty.

And in all counties containing a city of the second grade of the first class, whenever a justice of the peace recognizes or commits the accused for the commission of a misdemeanor within the limits of said city, he shall recognize or commit him to appear before the police court of said city. Cleveland.

And in all counties containing a city of the first grade of the second class, whenever a justice of the peace recognizes or commits the accused for the commission of a misdemeanor within the limits of the county in which such city is situated, he shall recognize or commit him to appear before the police court of such city, and in case the accused do not give bond, he shall be delivered to the sheriff of said county to be by said sheriff held until released or discharged by the police court. Columbus.

SECTION 2. That said original section 7147 of the Revised Statutes of Ohio be repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 360G

[House Bill No. 957.]

AN ACT

To amend section 3994 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3994 of the Revised Statutes of Ohio be so amended as to read as follows: Schoolhouses and libraries:

Issue of bonds by boards of education of city districts of first class.

Sec. 3994. The board of education of any city district of the first class, except a district embracing a city of the first or second grade of the first class, may issue bonds to obtain or improve public school property, and in anticipation of income from taxes for such purpose, levied or to be levied, may from time to time, as occasion requires, issue and sell bonds under restrictions, and bearing a rate of interest specified in the preceding section, and shall pay such bonds and the interest thereon when due, but shall so provide that no greater amount of such bonds shall be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue; but the order to issue such bonds shall be made only, at a regular meeting of the board, and by a vote of not less than three-fourths ($\frac{3}{4}$) of all the members thereof, taken by yeas and nays, and entered on the journal of the board.

Repeals.

SECTION 2. That said original section 3994 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 361G

[House Bill No. 230.]

AN ACT

To provide for one steam railroad crossing another steam railroad.

Be it enacted by the General Assembly of the State of Ohio:

Common pleas court given jurisdiction to ascertain and define manner in which one railroad shall cross another.

SECTION 1. That where it becomes necessary for the track of one railroad company to cross the track of another railroad company, unless the manner of making such crossings shall be agreed to between such companies, it shall be the duty of the court of common pleas of the county wherein such crossing is located, or a judge thereof in vacation, on application of either party to ascertain and define by its decree the mode of such crossing which will inflict the least practical injury upon the rights of the company owning the road which is intended to be crossed; and if in the judgment of such court or such judge thereof it is reasonable and practicable to avoid a grade crossing, it shall by its process prevent a crossing at grade.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 362G

[Senate Bill No. 248.]

AN ACT

To authorize the consolidation of savings and loan associations with safe deposit and trust companies in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

Consolidation of savings and loan associations with safe deposit and trust companies authorized.

SECTION 1. That any corporation organized to exercise the powers granted to savings and loan associations and any corporation organized to exercise the powers granted to safe deposit and trust companies may, when not less than one-fourth of the capital stock of each is held by the same persons, and their boards of directors, or trustees are composed in whole or in part of the same persons, consolidate themselves into a single corporation under such name and on such terms as shall be approved by not less than two-thirds of the stockholders of each company.

Proceedings in such action.

SECTION 2. The proceedings to affect such consolidation shall be the same as those provided by section 3381 of the Revised Statutes of Ohio for the consolidation of railroad companies.

Powers and duties, etc., after consolidation.

SECTION 3. When the agreement of consolidation is so made and perfected and the same, or a copy thereof, is [filed] filled with the secretary of state, the several companies, parties thereto, shall be held and taken to be one company possessing all the rights, privileges, powers and franchises of said several companies, but subject to all and singular the provisions of law relating to the different branches of the business of such new company the same as though conducted by separate companies.

Officers; transfer of property; rights of creditors, etc.

SECTION 4. The directors and other officers named in the agreement of consolidation shall serve until the first annual election, the time for which shall be named in said agreement; and on the filing of said agreement or a copy, as aforesaid, all and singular the property, real, personal and mixed, and all rights of every kind of said several companies shall be deemed to be transferred to and vested in such new company without further act or deed, and shall be as effectually the property of such new company as they were of the companies parties to said agreement; but all rights of creditors shall be preserved unimpaired and the respective companies may be deemed to be in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall thenceforth attach to the new company and be enforced against it to the same extent as if the same had been contracted by it.

When section 148a Revised Statutes shall not apply.

SECTION 5. When the articles of the constituent companies were filed at the same time [and] by the same incorporators and the capital stock named in the agreement of consolidation does not exceed the sum of the capital stocks of the constituent companies the provisions of subdivision 3 of section 148a of the Revised Statutes shall not apply; provided the fees named in subdivision 1 of said section were duly paid by said constituent companies and the agree-

ment of consolidation is filed within two years after the creation of said constituent companies.

SECTION 6. This act shall take effect and be in force from and after its passage. W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 363G

[House Bill No. 980.]

AN ACT

To amend section 1939 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police board and officers:

SECTION 1. That section 1939 of the Revised Statutes of Ohio be amended so as to read as follows:

Compensation and salaries in Cleveland.

Sec. 1939. In all cities of the second grade of the first class the following officers and patrolmen of the police force shall receive the following salaries per annum: The superintendent not less than thirty-five hundred dollars and not more than thirty-six hundred dollars; deputy superintendent not less than two thousand and not more than twenty-five hundred dollars; each captain not less than fifteen hundred dollars and not more than eighteen hundred dollars; each lieutenant and detective not less than twelve hundred dollars and not more than fifteen hundred dollars; police surgeon not less than thirteen hundred dollars and not more than fifteen hundred dollars; each sergeant not less than eleven hundred dollars and not more than thirteen hundred dollars; each patrolman not less than seven hundred and eighty dollars and not more than seven hundred and ninety-two dollars for the first year's service; and the same sum for the second year's service: and not less than one thousand dollars nor more than twelve hundred dollars for the third and each subsequent year of service; provided patrolmen on said force at the time of the passage of this act shall continue to receive not less than their present salaries per annum; provided further, the director of police shall have the power to appoint one or more of the patrolmen as clerks to the superintendent of police or secretary of the director of police, who shall receive a salary and rank of sergeants; the pay in all said cases to be fixed by the city council and the salaries to be paid semi-monthly to the persons entitled thereto.

Repeals.

SECTION 2. That said original section 1939 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage. W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 364G

[House Bill No. 482.]

AN ACT

To amend section 2730 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2730 of the Revised Statutes of Ohio be amended so as to read as follows:

Definitions and property to be taxed:

Sec. 2730. In this title, the terms "real property" and "land" shall be held to mean and include not only land itself, whether laid out in town lots or otherwise, with all things contained therein but also unless otherwise specified, all buildings, structures, and improvements, and fixtures of whatever kind thereon, and all rights and privileges belonging, or in any wise appertaining thereto; the terms "investment in bonds," shall be held to mean and include all moneys in bonds, or certificates of indebtedness, or other evidences of indebtedness of whatever kind, whether issued by incorporated or unincorporated companies, towns, cities, villages, townships, counties, states, or other incorporations, or by the United States, held by persons residing in this state, whether for themselves or others; the terms "investment in stocks," shall be held to mean and include all moneys invested in the capital or stock of any bank whether incorporated under the laws of this state or of the United States or any association, corporation, joint stock company, or other company, the capital or stock of which is or may be divided into shares, which are transferable by each owner without the consent of the other partners or stockholders, for the taxation of which no special provision is made by law, held by persons residing within this state, either for themselves or others; the terms "personal property," shall be held to mean and include, first, every tangible thing being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property, as hereinbefore defined; second, the capital stock, undivided profits, and all other means not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion, or interest in such stocks, profits, or means, by whatsoever name the same may be designated, inclusive of every share or portion, right, or interest either legal or equitable, in and to every ship, vessel, or boat, of whatsoever name or description, used or designed to be used either exclusively or partially in navigating any of the waters within or bordering on this state, whether such ship, vessel, or boat shall be within the jurisdiction of this state or elsewhere, and whether the the same shall have been enrolled, registered, or licensed at any collector's office, or within any collection district in this state, or not; third, the money loaned on pledge or mortgage of real estate, although a deed or other instrument may have been given for the same, if between the parties the same is considered as security merely; the term "money" or "moneys," shall be held

Definition of particular terms.

to mean and include any surplus or undivided profits held by societies for savings or banks having no capital stock, gold and silver coin, bank notes of solvent banks, in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand; the term "credits," shall be held to mean the excess of the sum of all legal claims and demands, whether for money or other valuable thing, or for labor or service due or to become due to the person liable to pay taxes thereon, including deposits in banks or with persons in or out of the state, other than such as are held to be money, as hereinbefore defined, when added together (estimating every such claim or demand at its true value in money), over and above the sum of legal bona fide debts owing by such person; but in making up the sum of such debts owing, there shall be taken into account no obligation to any mutual insurance company, nor any unpaid subscription to the capital stock of any joint stock company, nor any subscription for any religious, scientific, literary, or charitable purpose; nor any acknowledgment of any indebtedness, unless founded on some consideration actually received, and believed at the time of making such acknowledgment to be a full consideration therefor; nor any acknowledgment made for the purpose of diminishing the amount of credits to be listed for taxation; nor any greater amount or portion of any liability as surety, than the person required to make the statement of such credits believes that such surety is in equity bound, and will be compelled to pay, or to contribute, in case there be no securities; provided, that pensions receivable from the United States shall not be held to be credits; and no person shall be required to take into account in making up the amount of credits, a greater portion of any credits than he believes will be received or can be collected, or any greater portion of any obligation given to secure the payment of rent than the amount that shall have accrued on any lease and remain unpaid; words importing the masculine gender shall apply to females also, and the word "person" or "party," or other words importing the singular number, shall be held to include firms, companies, associations, and corporations; and all words in the plural number shall apply to single individuals also in all cases in which the spirit and intent may require it.

Repeals.

SECTION 2. That section 2730 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 365G

[House Bill No. 937.]

AN ACT

To amend section 1788 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police court:

SECTION 1. That section 1788 of the Revised Statutes of the state of Ohio be and the same is hereby so amended as to read as follows:

Final jurisdiction.

Sec. 1788. The police court shall have jurisdiction of any offense under any ordinance of the city, and of any misdemeanor committed within the limits of the city or within four miles thereof, to hear and finally determine the same, and impose the prescribed penalty; provided, however, that in cities of the second grade of the first class the court shall have jurisdiction of any offense under any ordinance of such city and of any misdemenaor committed within the limits of such city, to hear and finally determine the same and impose the prescribed penalty; and in cities of the first grade of the second class the court shall have jurisdiction of any offense under any ordinance of the city and misdemeanor committed within the limits of the county in which such city is situated, to hear and finally determine the same, and impose the prescribed penalty; but cases in which the accused is entitled to a jury trial, shall be so tried, unless a jury be waived.

Cleveland.

Columbus.

Repeals.

SECTION 2. That said original section 1788 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 366G

[House Bill No. 878.]

AN ACT

To amend section 2822-2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2822-2 of the Revised Statutes of Ohio be amended so as to read as follows:

Levy for improvement of state and county roads.

Sec. 2822-2. The county commissioners of such counties as shall make such levy shall have power to improve any state or county road, or any part thereof, by grading, draining, curbing, improving and paving the same with stone, brick or other suitable material, or with a combination of any or all of these materials, graveling, planking or macadamizing the same, and shall use the funds realized from

Petition of abutting land owners necessary.

Cost.

such levy for that purpose; provided, however, that no such improvement shall be made until the owners of at least a majority of the foot frontage of the land abutting on said road or part thereof shall petition therefor, and the county commissioners shall assess not to exceed twenty-five nor less than fifteen per centum of the cost and expense thereof on said abutting land, and provided, however, that not to exceed ten per centum of the said levy may be used for making sidewalks or bicycle paths; and provided, however, that the county commissioners shall have power to expend so much of the fund above provided for as they may deem necessary in repairing any free improved roads within their county.

Repeals, etc.

SECTION 2. That said original section 2822-2 is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 367G

[House Bill No. 1097.]

AN ACT

To amend section 3 of an act passed May 6, 1902 relative to the cession to the United States of jurisdiction over certain lands within this state.

Be it enacted by the General Assembly of the State of Ohio:

Cession of land to United States government.

SECTION 1. That section 3 of an act passed May 6, 1902, entitled "An act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition thereof," be amended so as to read as follows:

When jurisdiction shall vest.

Sec. 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state: provided that nothing in this act contained shall be construed to prevent any officers, employes or inmates of any national asylum for disabled volunteer soldiers located on any such land over which jurisdiction is ceded herein, who are qualified voters of this state from exercising the right of suffrage at all township, county and state elections in any township in which such national asylum shall be located.

Shall not be construed to prevent officers, employes, inmates, etc., of national asylum for soldiers from voting.

Repeals.

SECTION 2. That said original section 3 of the act of May 6, 1902, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its pasage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 368G

[Senate Bill No. 304.]

AN ACT

To amend section 621*a* of the Revised Statutes of Ohio as amended February 20, 1900, (O. L., 94–19).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 621*a* of the Revised Statutes of Ohio as amended February 20th 1900 (O. L. 94, p. 19), be amended so as to read as follows:

Justices of the peace:

Sec. 621*a*. In all cities in this state of the second grade of the first class, each justice of the peace for services rendered shall receive in lieu of all fees a salary of eighteen hundred dollars and nine hundred dollars for clerk hire and not exceeding three hundred dollars for office rent, per annum payable out of the city treasury in quarterly payments, on the first Saturday of January, April, July and October, in each year, together with such suitable office furniture as the council of such cities may provide, not exceeding in value two hundred ($200) dollars; the said furniture when so provided to be and remain the property of the city, and to be turned over by each outgoing justice of the peace to his successor in office; he shall also be provided by such council with all necessary blanks and stationery; and in all townships whose boundaries are, or which may hereafter be wholly within the limits of the (a) city of the first grade of the first class, each justice of the peace shall, in like manner, receive a salary of two thousand five hundred dollars per annum, and seven hundred and fifty dollars for clerk hire, and shall be provided with such suitable office accommodations together with all necessary blanks and stationery as the board of legislation or other legislative body having like powers of each of such cities may direct. And hereafter there shall not be more than five justices of the peace for each of such townships, but the provisions of this act shall not be construed so as to prevent any present incumbent of such office from serving out the full term to which he has been elected. And in all such townships where there are more present incumbents of said office than the number to be hereafter elected, no election shall be held for justice therein until by expiration of their term of office the number of justices of the peace therein has been reduced to five, and thereafter elections shall be held in such townships to fill all vacancies occurring in such office.

Salary; clerk hire, office rent, etc., in Cleveland.

Cincinnati, salary of justices; clerk hire, etc.

Number of justices.

Repeals, etc.

SECTION 2. That section 621*a* be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 369G

[Senate Bill No. 256.]

AN ACT

Providing for the relief of Samuel B. White.

Preamble:

WHEREAS, Samuel B. White was employed as a laborer at the Ohio hospital for epileptics at Gallipolis, Ohio, and on the eighth day of October, 1898, he was seriously injured by being struck on the head by a brick falling a distance of fifty feet, injuring his skull; and

WHEREAS, Because of said injury he not only endured great physical pain and suffering, he having been unable to perform manual labor of any kind for over one year after receiving said injury, but that he is permanently disabled, having completely lost the hearing in one ear, his speech being affected and being unable to do labor of an able-bodied man, and has been subjected to heavy expense for medical attendance, while at the same time he is destitute of the necessary means of aid and support; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Samuel B. White.

SECTION 1. That there be and is hereby appropriated, out of any money to the credit of the general revenue fund in the state treasury not otherwise appropriated, the sum of four hundred dollars for the aid and relief of said Samuel B. White, and the amount shall be in full of all demands.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 370G

[Senate Bill No. 217.]

AN ACT

To amend section 3443-8 and 3443-10 of the Revised Statutes of Ohio, giving interurban street railroads the right to locate on private rights of way outside of municipalities and to appropriate property.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies.

SECTION 1. That sections 3443-8 and 3443-10 of the Revised Statutes of Ohio be amended so that they shall read as follows:

Sec. 3443-8. Companies incorporated under section 3236 of the Revised Statutes of Ohio for such purposes may construct, maintain and operate electric street railroads or street railroads using other than animal power as a motive power for the transportation of passengers, packages, express matter, United States mail, baggage and freight upon the highways in the state outside of municipalities or upon private rights of way.

Construction, etc., of street railroads outside of municipalities.

Sec. 3443-10. All companies organized for the construction and operation of interurban railroads, using any motive power other than animal power, shall, when necessary to enter upon and use private property in such construction and operation outside of municipalities, have the same power and right of eminent domain as is now possessed by steam railroad companies.

Interurban railroads given right of eminent domain.

SECTION 2. That sections 3443-8 and 3443-10, Revised Statutes of Ohio, be and they are, hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 371G

[Senate Bill No. 170.]

AN ACT

To amend an act entitled, "An act to amend section 148*c* of the Revised Statutes of Ohio," and to relieve owners of shares of stock in both foreign and domestic companies from double taxation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 148*c* of the Revised Statutes of Ohio, as amended April 14, 1900, be amended so as to read as follows:

Sec. 148*c*. Every foreign corporation, incorporated for purposes of profit, now or hereafter doing business in this state, and owning or using a part or all of its capital or plant in this state, shall, within thirty days after the passage of this act, or, in case of a company hereafter coming into this state, then before it proceeds to do any business in this state, under the oath of the president, secretary, treasurer, superintendent or managing agent in this state of such corporation, make and file with the secretary of state, a statement, in such form as the secretary of state may prescribe, containing the following facts:

Foreign corporations doing business in this state to file statement with secretary of state.

1. The number of shares of authorized capital stock of the company, and the par value of each share.

2. The name and location of the office or officers of the company in Ohio, and the name and address of the officers or agents of the company in charge of its business in Ohio.

3. The value of the property owned and used by the company in Ohio, where situate, and the value of the property of the company owned and used outside of Ohio.

4. The proportion of the capital stock of the company which is represented by property owned and used [and] by business transacted in Ohio.

Fee to be charged by secretary of state.

From the facts thus reported, and any other facts coming to his knowledge bearing upon the question, the secretary of state shall determine the proportion of the capital stock of the company represented by its property and business in Ohio, and shall charge and collect from the company, for the privilege of exercising its franchises in Ohio, one-tenth of one per cent. upon the proportion of the authorized capital stock of the corporation, represented by property owned and used and business transacted in Ohio, being the same fee required to be paid by corporations formed under the laws of Ohio. Upon the payment of the said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio, and is authorized to do business therein, stating the amount of its entire capital and the proportion of which is represented in Ohio. Provided, this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to foreign, coöperative or investment companies organized to sell certificates or debentures on the installment or partial payment plan, or companies doing business on the service dividend plan, who have deposited with the treasurer of the state of Ohio security satisfactory to him of the value of not less than twenty-five thousand dollars, and who shall annually thereafter deposit securities equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of one hundred thousand dollars, for the protection of the holders of said certificates or debentures, or to express, telegraph, telephone, railroad, sleeping car, transportation or other corporations engaged in Ohio in interstate commerce business; or to foreign corporations entirely non-resident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporations shall have the right, on application, to be heard by the secretary of state, touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney general, whose decision in the matter shall be final. Every foreign corporation subject to the provisions of this section which shall

Certain companies excepted.

Appeals.

Penalty for failure to comply.

neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars, and an additional penalty of one thousand dollars [for] every month that it continues to transact any business in Ohio without complying with the requirements of this section, to be recovered by action in the name of the state, and on collection, paid into the state treasury to the credit of the general revenue fund. The attorney general, on the request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or in any county in which such corporation has an office or place of business, as he prefers. The governor and secretary of state, on good cause shown, may, in their discretion, remit the penalty, or any part thereof, prescribed in this section. No foreign corporations subject to the provisions of this section, shall maintain any action in this state upon any contract made by it in this state after the time fixed by this act for compliance by such corporation with its requirements, until it shall have complied with the requirements of this act, and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax under this section, and which thereafter shall increase the proportion of its capital stock, represented by property used and business done in Ohio, shall within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one-per cent. upon the amount of its increase of its capital stock, represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section which complies with its requirements, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground that it is a foreign corporation or a non-resident of this state. "No person shall be required to list for taxation any share or shares of the capital stock of any corporation, whether domestic or foreign, the property of which is taxed in the name of such company in Ohio, nor shall any person be required to list for taxation any share or shares of the capital stock of any corporation, whether domestic or foreign, if satisfactory proof, when demanded, is furnished to the taxation authorities by the holder of such share or shares that two-thirds or more of the property of such corporation is taxed in Ohio and the remainder is taxed in some other state or states of the United States; provided, however, that this shall not apply to shares in any foreign corporation unless it shall, whether otherwise required by law to do so or not, pay annually for the privilege of exercising its franchise in Ohio, upon its entire authorized capital stock, the same percentage as is required by law on the subscribed or issued capital stock of domestic corporations for profit."

Suit to compel compliance.

Penalty may be remitted.

Requirements of corporations when capital stock increased.

Fees collected to be paid into state treasury.

Not liable to attachment.

When persons are not required to list for taxation shares of capital stock of corporation.

Repeals.

SECTION 2. That said section 148c (94 O. L., 225), as amended April 14th, 1900, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 372G

[House Bill No. 936.]

AN ACT

To amend an act entitled "An act making appropriations for the Ohio state university," passed February 20, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Ohio state university:

SECTION 1. That the act entitled "An act making appropriations for the Ohio state university," passed February 20,1902, be amended so as to read as follows:

Appropriation for Ohio state university.

Sec. 1. That there be and is hereby appropriated from any moneys raised or coming into the state treasury to the credit of the Ohio state university fund, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1902, and the first quarter of the fiscal year ending November 15, 1903, the sum of three hundred thousand dollars ($300,000), or so much as may come into the treasury to the credit of said fund; and for the last three-quarters of the fiscal year ending November 15, 1903, and for the first quarter of the fiscal year ending November 15, 1904, the sum of three hundred thousand dollars ($300,000), or so much as may come into the treasury to the credit of such fund to be applied to the uses and purposes of the Ohio state university in accordance with the provisions of section 3951 of the Revised Statutes of Ohio as amended May 8, 1902.

Repeals, etc.

SECTION 2. Said original act passed February 20, 1902, is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 373G

[Senate Bill No. 280.]

AN ACT

To authorize the trustees of cemeteries to accept and maintain a permanent fund, the income only to be used in the perpetual care of a lot or lots in cemeteries under their management and control.

Be it enacted by the General Assembly of the State of Ohio:

Cemeteries:

SECTION 1. That section 2527 of the Revised Statutes be supplemented by the addition of section 2527*a*.

Trustees of cemeteries authorized to accept and maintain perment fund, the income of which only, to be used for care of lots in cemeteries.

Sec. 2527*a*. It shall be the duty of the trustees of cemeteries, the title of which is, by law, vested in a city or village of this state, to declare in their by-laws and regulations for the management of such cemeteries, the amount of money they will accept by agreement, gift, devise, bequest or otherwise and hold as a permanent fund of such cemetery; and that they will pledge the faith [and credit] of such city or village, for the perpetual care of such lot or lots designated, using only the interest or income of such money. And such trustees of cemeteries shall, and they are hereby authorized, on the receipt of such said sum of money they designate, to issue therefor a written receipt and acknowledgment of the same, signed by their president and clerk therefor, and bind the faith and credit of such corporation, holding the title to such cemetery, to forever hold said money as a permanent fund, and to provide perpetual care of the lot or lots therein named, for the use, income or interest of such money. And such said trustees shall, by resolution, enter, on the minutes of their proceedings, full detail of such obligation; and shall enter the receipt and incomes of said money and the expenditure thereof in detail on their books of accounts, keeping each case separately.

Such trustees of cemeteries shall, on the passage of this act, turn over to the council of the municipal corporation, holding title to such cemetery, all property now on hand or held by them as a permanent fund, for the perpetual care of lots in cemeteries under their control, or such money as may thereafter come to them for such purpose, rendering a full statement thereof, by whom paid, when, and for what purpose; and on the receipt thereof such council shall acknowledge the receipt thereof in writing to said trustees signed by its clerk, and by resolution duly passed and entered on the minutes of its proceedings, wherein, such council shall pledge the faith and credit of the corporation, it represents, to forever hold such money as a permanent fund, and pay in semi-annual payments, to the trustees of such cemetery, as interest on said funds, sufficient to provide perpetual care of such lot and lots as agreed by such trustees, and such council and its successors shall invest and keep invested all of said funds in any interest bearing debts of said city or village, if any, and if no such debts are owing by such city or village, such money shall be invested

in safe interest bearing bonds, or stock for the benefit of such cemetery funds, that the same may bear as great an income as possible, and all such money and the income thereof shall be exempt from taxation, the same as other cemetery property.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 374G

[Senate Bill No. 302.]

AN ACT

To amend sections 1 and 3 of the act of April 23rd, 1894, entitled "An act to prevent and punish fraud in sales of wearing apparel at public or private sale by itinerant vendors, and to regulate all such sales."

Be it enacted by the General Assembly of the State of Ohio:

Peddlers and dealers:

SECTION 1. That sections 1 and 3 of the act of April 23rd, 1894, entitled, "An act to prevent and punish fraud in sales of wearing apparel at public or private sale by itinerant vendors, and to regulate all such sales," be and the same are hereby amended to read as follows:

Detailed statement required of itinerant vendors.

Sec. 1. No itinerant vendor shall advertise, represent or hold forth any sale of goods, wares, or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form unless he shall, before so doing, state, under oath to the secretary of state, either in the original application for a state license, or in a supplementary application, subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing out, damage, etc., such details to include and cover all the facts relating to time, place and persons necessary to exactly locate and fully identify the same.

Penalty for selling, advertising, etc. without license.

Sec. 3. Every itinerant vendor who shall sell or expose for sale at public or private sale any goods, wares, merchandise or any article of wearing apparel without state and local licenses therefor, and all persons both principals and agents, who shall by circular, handbill, newspaper, or in any other manner advertise any such sale before proper licenses shall be issued to the vendor, shall be guilty of a misdemeanor and shall be fined not more than $1,000.00 nor less than $50.00, or imprisoned not more than six months, or both.

SECTION 2. That sections 1 and 3 of the act of April 23rd (O. L., vol. 91, p. 174), be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 375G

[House Bill No. 945.]

AN ACT

To authorize the board of trustees of the Ohio state university to issue certificates of indebtedness for certain purposes therein mentioned.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Ohio state university, for the purpose of providing for the erection of needed buildings and improvements and the securing of needed equipment and for the payment of the costs, expenses and estimates thereof, as the work progresses, is hereby authorized to issue from time to time certificates of indebtedness to an amount not exceeding in the aggregate two hundred thousand dollars in anticipation of the annual levies authorized by section 3951 of the Revised Statutes of Ohio, as amended May 8, 1902. Trustees of Ohio state university authorized to issue certificates of indebtedness in anticipation of tax collection.

SECTION 2. The certificates of indebtedness herein authorized shall be signed by the president and secretary of said board of trustees and sealed with the seal of said university, shall bear such rate of interest not exceeding four per cent. per annum, payable semi-annually, as said board of trustees may determine, and shall be payable by said board of trustees out of the revenues in anticipation of which, they shall be issued as herein provided; and the moneys arising from the issue of such certificates shall be applied exclusively to the purposes for which such certificates shall be issued. Said certificates of indebtedness shall be sold by said board of trustees at not less than their par value to the highest bidder, after notice of the sale thereof, has been given in a newspaper of general circulation published in the city of New York, and also in the cities of Columbus, Cincinnati, Cleveland and Toledo; or may be issued to contractors for said buildings and improvements in payment of estimates for work and materials done or furnished by them. Certificates; how drawn and sold.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 376G

[House Bill No. 887.]

AN ACT

To amend section 6044 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Executors and administrators:

SECTION 1. That section 6044 of the Revised Statutes of Ohio be amended so as to read as follows:

Signing and filing inventory.

Monthly statement of court to auditor.

Taxes and penalty thereupon imposed have priority.

How collected.

Beginning of tax year.

Compensation of probate judge.

No allowance for tax inquisitors.

Sec. 6044. Upon the completion of the inventory it shall be signed by the appraisers, and a copy thereof shall be retained by the executor or administrator, and he shall return the original to the probate court, and said court shall, at the end of each month, deliver to the county auditor, a statement showing as to each inventory the aggregate value of each class of property other than real, as shown by the inventories filed during that month, for his use and the use of the proper board of equalization, in the performance of their respective duties in relation to returns for taxation of personal property, moneys, rights and credits, and the equalizing and correction of the same; and any taxes or penalty lawfully placed on any duplicate or added by the county auditor or board of equalization because of a failure to make a true return, or of making a false return for taxation, shall be a debt of the decedent, and be paid and have the same priority as other taxes, and the same shall be collected out of the property of the estate either before or after distribution by any of the means provided by law for the collection of other taxes, and no distribution, or payment of inferior debts or claims shall defeat such collection; but no such tax or penalty shall be added before notice to the executor or administrator, and an opportunity is given him to be heard, and all taxes omitted by the deceased shall be charged on the tax lists and duplicate in said decedent's name; and in all additions to the personal tax lists and duplicate made by any county auditor, each succeeding tax year shall be considered as beginning at the time of the completion of the annual settlement with the county treasurer, of the duplicate for the previous year; the probate judge shall be entitled to the same compensation as for other like services, to be taxed as a part of the costs of administering such estate; provided, however, that no percentage, nor any part of any increased tax on the property of any such estate, covered by any such inventory, for the

years for which it is required by law to be listed in the name of the executor or administrator, shall be allowed or paid to any person or persons under any contract for securing for taxation, or putting on the tax list or duplicate property improperly or otherwise omitted, or not listed or returned for taxation.

SECTION 2. That said original section 6044 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 377G

[Senate Bill No. 345.]

AN ACT

To amend section 3240 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3240 of the Revised Statutes of Ohio be so amended as to read as follows: Creation of corporations, etc.:

Sec. 3240. A majority of the subscribers of the articles of incorporation formed for a purpose other than profit, may elect not less than five trustees of the corporation who shall hold their office till the next annual meeting, or until their successors are elected and qualified; but in the case of religious corporations and institutions incorporated for the purpose of promoting education, science or art the regulations of such corporations may provide for the length of time said trustees shall hold their offices, the term thereof not to exceed in number of years the number of such trustees; provided, that lodges, societies, or bodies of any secret or benevolent order incorporated under the laws of this state, may elect such number of trustees, not less than three, as may be provided in the laws or regulations governing such lodge, society, or body, and the election of such trustees may be held at the time specified in such laws or regulations. Provided further, that the members of any corporation heretofore organized, or that may hereafter be organized, for the purpose of owning and conducting a hospital for sick and disabled, persons, may provide for the election of not less than five nor more than fifteen trustees who shall serve during life, and also that in case of vacancy in the board of trustees of such association by death, resignation or otherwise, the remaining members of such board may fill such vacancy. In case of a corporation heretofore organized for such purpose such regulations providing that First election of trustees; term and number.

the trustees shall hold office during life, may be adopted at any annual meeting, or at any special meeting of the association duly and regularly called; but notice of such proposed change in the regulations shall be published for three successive weeks in some newspaper published and of general circulation at the place where such hospital is located.

Repeals.

SECTION 2. Original section 3240 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 378G

[Senate Bill No. 337.]

AN ACT

To amend section 4104 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Colleges and universities:

SECTION 1. That section 4104 of the Revised Statutes of Ohio, as amended April 16th 1900 (94 O. L., 399), be amended so as to read as follows:

Cincinnati university; when and how tax to be levied.

Sec. 4104. In cities of the first grade of the first class where there are universities supported in whole or in part by public taxation upon the property of such city, the board of legislation of the city may assess and levy, annually, a tax on the taxable property of the city not exceeding three-tenths of one mill on the dollar valuation thereof, to be applied by the board of directors to the support of such university, college, or institution; and may also assess and levy, annually, not exceeding five-hundredths of one mill on the dollar of such valuation, for the establishment and maintenance of an astronomical observatory in connection with such university, college, or institution, the proceeds of which shall be applied by the board of directors for said purpose exclusively. Said levies shall be made in compliance with the provisions and requirements and in accordance with the mode of procedure prescribed by sections 2690*f*, 2690*g*, and 2690*i* of the Revised Statutes of Ohio, and the city auditor, the board of legislation and the board of tax commissioners of any such city shall do and perform any and all of the duties prescribed in said sections in as full a manner as respectively required of them in making the tax levy for such city. The funds of such university shall be paid out by the city treasurer upon the orders of the board of directors and the warrant of the city auditor.

SECTION 2. That said section 4104 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 379G

[House Bill No. 990.]

AN ACT

To amend sections 269, 270, 272, 282 and 3630*d* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 269, 270, 272, 282 and 3630*d* of the Revised Statutes of the state of Ohio be amended so as to read as follows: Superintendent of insurance:

Sec. 269. The superintendent may appoint a deputy superintendent having the same qualifications as the superintendent, whose appointment may be evidenced by a certificate under the official seal of the superintendent. Before entering upon the discharge of his duties, the deputy superintendent shall take the oath of office, and give bond in the sum of ten thousand dollars to the superintendent, with two or more sureties to the acceptance of the superintendent, conditioned for the faithful performance of his official duties. In case of the absence or inability of the superintendent, the deputy superintendent shall have the powers and perform the duties of the superintendent. The deputy superintendent shall receive a salary of two thousand four hundred dollars per annum. Foreign insurance companies shall pay, annually, as fees for making out and forwarding annually, semi-annually and quarterly the interest checks and coupons accruing upon bonds and securities deposited, the sum of twenty-five dollars on each one hundred thousand dollars so deposited, which fees shall be turned over to the state treasurer on the warrant of the state auditor. The superintendent may employ from time to time such other clerks as the prompt dispatch of business requires; and he may, also, from time to time, employ skilled and competent persons to examine the business and affairs of insurance companies and report thereon.

May appoint deputy; oath, bond, etc.

Powers and duties; compensation.

Fees payable by foreign insurance companies for the making out and forwarding of interest checks and coupons.

Clerks and experts.

Sec. 270. The office of the superintendent shall be in the state house, and all salaries and expenditures of the insurance department shall be paid out of the state treasury in excess of the amount collected from insurance companies, as provided by law; and provided, also, that, in case the excess of fees collected and paid into the state treasury, as provided by section two hundred and eighty-two, Revised Statutes of Ohio, over the total salaries and

Insurance department; expenditures, salaries.

Fees of superintendent.

expenditures of said insurance department, shall equal the sum of fifteen thousand dollars, the said superintendent of insurance shall receive, out of said excess of fees, a sum not exceeding ten per centum on such excess; provided, that said superintendent shall not receive in such fees exceeding the sum of one thousand dollars per annum in addition to his salary, as now provided by law; provided further, that all fees shall be paid by the superintendent of insurance into the state treasury on the warrant of the state auditor. And the said additional salary, so provided,shall be paid under appropriations, by the state treasurer, upon the warrant of the state auditor.

Fees to be paid into state treasury.

Examination of companies doing business in this state.

Sec. 272. The superintendent, when he has reason to suspect the correctness of any statement of an insurance company doing business in the state, whether incorporated in this state or not, or that its affairs are in an unsound condition, shall make, or cause to be made by some person by him for that purpose appointed, an examination into the affairs of such company; and such company, its officers and agents shall submit their books and business to such examination, and in every way facilitate the same, and he shall, annually, make or cause to be made, an examination of the assets of every life insurance company organized under the laws of this state, and ascertain if the same are invested in the manner prescribed by law at the date each investment was made, and, also, if the last preceding annual statement of assets and unpaid death claims was correct. The actual expenses incurred by said examination shall be paid by the state treasurer on the warrant of the state auditor upon the certificate of the superintendent of insurance; provided that, when any examination is made upon the demand of the company therefor, the expenses of the same shall be paid by the company: and provided further, that, when, by the laws of any other state, district, territory or nation, examinations of companies of this state are required or permitted to be made by the insurance department or other authority of such state, district, territory or nation at the expense of such companies, then the expenses of all examinations made by the insurance department of this state of all companies of such state, district, territory or nation shall be respectively charged to and collected from the companies so examined.

Fees to be paid by companies.

Sec. 282. There shall be paid by every insurance company doing business in this state, to the superintendent of insurance, the following fees: For filing copy of its charter or deed of settlement, twenty-five dollars; for filing each statement, twenty dollars; for each certificate of authority, or license and certified copy thereof, two dollars; for each copy of a paper filed in his office, the sum of twenty cents per folio; and for affixing the seal of office and certifying any paper, one dollar; all of which fees shall be paid by the superintendent into the state treasury. There shall also be paid by every life insurance company doing business in this state, annually, by way of compensation for

the valuation of its policies, in case no certified valuation of the same has been furnished to the superintendent of insurance, as provided in section 279 of the Revised Statutes of Ohio, one cent on every one thousand dollars insured by it on lives, which shall be paid by the superintendent of insurance into the state treasury. When by the laws of any other state or nation, any taxes, fines, penalties, license fees, deposits of money, or of [securities], certificates, or other obligations or prohibitions are imposed on insurance companies of this state, doing business in such state or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions, of whatever kind, shall be imposed upon all insurance companies of such other state or nation, doing business within this state, and upon their agents here.

Examination of companies.

Sec. 3630*d*. The superintendent of insurance may, whenever he has good reason to believe that the business of any such corporation, company or association is not being legally and honestly conducted, or that such corporation, company or association is exercising powers or franchises not conferred by law, cause an examination of its affairs to be made; and, if upon such examination, it shall appear that such corporation, company or association is exercising powers or franchises contrary to law, the superintendent of insurance shall institute proceedings in quo warranto against the same, in the manner provided in section 3630*c* of the Revised Statutes of Ohio; and the expenses of all examinations of all companies, made under authority of this chapter, shall be paid by the state treasurer on the warrant of the state auditor upon the certificate of the superintendent of insurance; provided that the expenses of any examination, made upon the demand of the company, shall be paid by the company making such demand; and provided further, that, when, by the laws of any other state, district, territory or nation, examinations of companies or associations of this state are required or permitted to be made by the insurance department or other authority of such state, district, territory or nation at the expense of such companies, then the expenses of all examinations, made by the insurance department of this state of companies of such state, district, territory or nation, shall be charged to and collected from the companies so examined respectively.

Repeals.

SECTION 2. That said sections 269, 270, 272, 282 and 3630d of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 380G

[House Bill No. 1098.]

AN ACT

To amend section 7388-15, Bates' Revised Statutes, as amended May 6, 1902, and section 7388-16, Bates' Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Penitentiary.

SECTION 1. That section 7388-15, Bates' Revised Statutes, as amended May 6, 1902, and section 7388-16, Bates' Revised Statutes, be amended so as to read as follows:

Appointment, salaries and bonds of officers and other employes.

Sec. 7388-15. It shall be the duty of the warden, with the advice and consent of the board of managers, to appoint the following named officers, whose compensation shall be as follows: Deputy warden, at a salary of $1,380 per year, and who shall give bond in the sum of $5,000, payable to the warden, for the benefit of the state of Ohio; a clerk, at a salary of $1,500 per year, who shall give a like bond in the sum of $10,000; an assistant clerk whose salary shall be at the discretion of the board, not to exceed $1,080 per year; a chaplain, who shall also act as librarian, at a salary not to exceed $1,140 per year; a steward, at a salary of $1,500 per year, who shall also give a bond conditioned the same as the deputy warden for the sum of $10,000; a physician, at a salary of $1,140 per year; an assistant deputy warden, at a salary of $1,260 per year; a superintendent of school, at a salary of $900 per year, said superintendent shall be accredited as a guard; one superintendent of construction, at a salary not to exceed $1,320 per year; one superintendent of gas and electric light at a salary not to exceed $1,320 per year; one captain of night watch, at a salary not to exceed $1,200 per year; one superintendent of subsistence at a salary not to exceed $1,120 per year; and the following named officers at a salary not to exceed $1,020 per year: One day assistant physician, who shall also be superintendent of the hospital; one night physician; one storekeeper; one superintendent of transfers and halls; one superintendent of piece price; one superintendent of state shops; one day captain of the guard room; one night captain of the guard room; one superintendent of yards; one superintendent of printing and one superintendent of Bertillon system; one postmaster; also one stenographer at a salary not to exceed $60 per calendar month; the male guards $75 and the female guards, who shall also be matron and assistant matron, $60, each, per calendar month; provided each guard shall be allowed not to exceed fourteen days' vacation each year without reduction of pay. The warden may also appoint, as hereinbefore provided, such other officers or employes as may be necessary to carry on the moral and religious features of the institution, each of whom shall receive not to exceed $900 per year. The appointees herein provided for shall be selected for their fitness and qualification to the positions to which they may be appointed or employed, and shall hold their offices or places for two years, unless sooner removed

Vacation of guards.

Qualifications; terms.

Removals.

in accordance with the provisions of section 7413, Revised Statutes; provided further that one guard or one of the minor officers shall be appointed from each county until the necessary number is secured; provided, however, the board may appoint a secretary to the board of managers, at a salary not to exceed $1,500 per annum, who shall serve during the pleasure of the board. All the appointees herein provided for shall be paid monthly out of the state treasury on the warrant of the state auditor.

One guard from each county.
Secretary of board of managers.

Sec. 7388-16. The warden shall receive an annual salary to be fixed by the board of managers, of not more than twenty-four hundred dollars, payable by the treasurer of state, on the warrant of the auditor, in equal monthly installments, and the same shall be furnished the necessary fuel and provisions for himself and family under the direction of the board. He shall give bond with good and sufficient sureties, approved by the governor, in the sum of fifty thousand dollars, conditioned upon the faithful discharge of duty. Said bond shall be drawn by the attorney general and deposited with the secretary of state.

Warden; salary, perquisites and bond.

SECTION 2. That section 7388-15, Bates' Revised Statutes, as amended May 6, 1902, and section 7388-16, Bates' Revised Statutes, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 381G

[Senate Bill No. 120.]

AN ACT

To amend section 289 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section two hundred and eighty-nine of the Revised Statutes of Ohio be amended so as to read as follows:

Superintendent of insurance:

Sec. 289. The provisions of this chapter shall apply to individuals and parties, and to all companies and associations, whether incorporated or not, now or hereafter engaged in the business of insurance; and it is unlawful for any company, corporation, or association, whether organized in this state or elsewhere, either directly or indirectly, to engage in the business of insurance, or to enter into any contracts substantially amounting to insurance, or in any manner to aid therein, in this state, or to engage in the business of guaranteeing against liability, loss or damage, unless the same is expressly authorized by the

When insurance business unlawful.

statutes of this state, and such statutes and all laws regulating the same and applicable thereto have been complied with.

Repeals.

SECTION 2. That said original section two hundred and eighty-nine of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. That this act be in force and take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 382G

[House Bill No. 1071.]

AN ACT

To make appropriations to pay deficiencies and liabilities existing prior to February 15, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations to pay deficiencies and liabilities.

SECTION 1. That the following sums be and are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1902, to-wit:

Adjutant General's Department.

Contingent expenses and inspections	$ 311	47
Material and repairs	272	15
Care military stores and freight on arms	291	72
Uniforms, overcoats, blankets and equipments	1,150	00
Transportation, Ohio National Guard	27	25

Ohio National Guard.

Transportation, Ohio National Guard	1,912	32
Joseph E. Boylan, M. D., examining members Company M, First Regiment, 1898	65	20
Dr. Allen H. Vance, examining members Tenth Regiment, O. N. G., 1898	40	23
E. M. Heisley, legal services, court martial Col. C. X. Zimmerman, Fifth Regiment, O. N. G.	350	00
Dillon & Fisk, legal services, court martial, Capt. B. O. Squier, Fifth Regiment, O. N. G.	425	00

Attorney-General's Department.

Clerk of supreme court, sundry fees in case of Ohio v. Standard Oil Company, as follows:

Allan T. Brinsmade, special master commissioner	2,167	30
Clara K. Carey, stenographer's fees	56	00

O. C. McMahon, constable's fees	50 15	
G. A. Kaull, stenographer's fees	73 14	
Witness fees	10 50	
Total	2,357 09	
Clerk of courts, Franklin county, Ohio, court costs in the following cases:		
31270 — State v. Patton	75 11	
35515 — State v. C., H. V. & A. R. R. Co.	27 79	
38017 — Ex rel. Monnett v. Col. Fire Und. Assn.	13 50	
1437 — Ex rel. Monnett v. Col. Fire Und. Assn.	13 33	
1430 — Ex rel. Monnett v. Pulmonary Chemical Co.	12 03	
1635 — Ex rel. Monnett v. New Pittsburg Coal Co.	12 15	
1640 — Ex rel Monnett v. Colonial Investment Co.	15 69	
Total	169 60	
Clerk of courts, Cuyahoga county, court costs adjudged against the state of Ohio; Ohio v. The Cleveland and Sandusky Brewing Co.	24 35	
Clerk of courts, Hamilton county, court costs adjudged against the state of Ohio; Ohio v. The Victor Safe and Lock Company	32 38	
Philip Smith, court costs, Philip Smith v. State of Ohio	32 00	
Board of Public Works.		
Indian Lake damage claims and expenses allowed by special auditing committee	6,427 54	
George C. Blankner, attorney fees, for services before the seventy-fourth general assembly	150 00	
Dairy and Food Commissioner.		
E. B. Dillon, legal services in Capital City Dairy case	950 00	
E. B. Dillon, legal services in Union Dairy case	750 00	
Commissioner of Soldiers' Claims.		
Ohio Furniture Company, for file case	30 00	
Fish and Game Commission.		
For judgment assessed against commission	497 49	
Superintendent of Insurance.		
For extra clerks	265 96	
Bureau of Building and Loan Associations.		
Salary of deputy inspector of building and loan companies	780 00	

Appropriations to pay deficiencies and liabilities.

Legislature.

J. B. Jackson, ten days' extra services as clerk....	50 00
Harry L. Davis, ten days' extra services as clerk..	50 00
The Crystal Ice Mfg. Co., ice furnished clerk of senate, 1898, 1899 and part of 1900.....	48 00
Krauss, Butler & Benham, carpets and furnishings, fire marshal's office.....	64 25
Krauss, Butler & Benham, for furnishing and putting down imported inlaid linoleum for north and south lobbies of senate chamber...	271 00
Krauss, Butler & Benham, carpets and furnishings, smoking room, house of representatives	99 38

Ohio State Library.

Contingent expense and extra labor (salaries of clerks)	189 50
Traveling library (salaries of clerks).....	269 13

Commissioners of Public Printing.

The Laning Printing Company, balance due on printing "Howe's Historical Collections of Ohio"	195 90

Institution for the Education of the Deaf and Dumb.

For improving Washington avenue and Town street	5,622 24

Ohio State Reformatory.

Construction of wall, as follows:	
The John Evans Lime and Stone Company.....	769 50
Norris and Christian Lime and Stone Company..	188 98

Miscellaneous.

A. L. Corman, extra services during decennial appraisement	600 00
Ohio Wesleyan university, to refund collateral inheritance tax erroneously collected from the P. P. Mast estate.....	5,781 62
Walter F. Demming, administrator estate of William S. Demming, for direct inheritance tax paid	209 25
Pastor St. Raphael's Church (Springfield), for collateral inheritance tax paid by William Johnson, executor of the estate of Mary Green	37 50
M. C. Scully, for extras on contract with state building commission for brick work, cement work and plastering.....	1,938 06
The Fidelity and Deposit Company, for taxes claimed to have been erroneously paid.....	399 47
For the relief of Esau Henkle.....	981 00

Appropriations to pay deficiencies and liabilities.

Relief of Ray R. Dobbins	374 60
Raymond White, (electrical supplies)	84 00
The Kinney Water Supply Co. (Contractors), (drilling wells at the Ohio hospital for epileptics, at Gallipolis)	1,475 59
George M. Schneider, work at Ohio hospital for epileptics	5,333 97
Relief of C. P. Fennel	274 41
Norcross Bros., rebate of penalty	2,700 00
M. H. Crane estate	447 65
Roehr & Son	410 00

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein named, and to pay only so much as may be found to be correct and just; and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board it shall report the same to the governor in writing.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 383G

[Senate Bill No 348.]

AN ACT

To amend section 6711 of the Revised Statutes of Ohio, Bates' annotated Ohio Statutes, third edition, page 3267.

Be it enacted by the General Assembly of the State of Ohio:

Jurisdiction in error:

SECTION 1. That section 6711 be amended so as to read as follows:

Record must be printed; by whom, etc.

Sec. 6711. When a petition in error is filed in the supreme court, so much of the record to be reviewed as will show the error complained of shall be printed by the clerk of the supreme court, in manner, style and type as the court shall direct, at a cost of not to exceed fifty cents per page, and ten of the printed copies thereof shall be filed with the papers, and the plaintiff in error shall deposit with the clerk within ten days after the filing of such petition in error, sufficient money to pay the cost thereof, and if the plaintiff in error fail for thirty days after the filing of the petition to make such deposit, the petition in error shall be dismissed, unless the court on good cause shown, extend the time to make such deposit or dispense with such print-

ing, and the expense of such printing shall be taxed as part of the costs. Provided, that where proceedings in error are instituted by any administrator, executor, trustee or guardian in his trust capacity, the court shall, on application of said plaintiff in error, dispense with the printing of such record, when it is made to appear by the affidavit of the plaintiff in error that the estate represented by him has no funds with which to pay for said printing. The clerk shall deliver to the court at each monthly call of the docket, a list of cases in default under this section, and the court shall call the same and make disposition thereof as herein provided.

Repeals, etc.

SECTION 2. That said section 6711 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 384G

[House Bill No. 215.]

AN ACT

To amend section 1277 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting attorney:

SECTION 1. That section 1277 of the Revised Statutes of Ohio be amended so as to read as follows:

Duty as to restraining order.

Sec. 1277. The prosecuting attorneys of the several counties of the state, upon being satisfied that the funds of the county, or any public moneys in the hands of the county treasurer or belonging to the county, are about to be, or have been, misapplied, or that any such public moneys have been illegally drawn out of, or withheld from, the county treasury, or that a contract in contravention of the laws of this state has been, or is about to be entered into, or has been or is being executed, or that a contract was procured by fraud or corruption, or that any property real or personal, belonging to the county is being illegally used or occupied, or is being used or occupied in violation of the terms of any contract, or that the terms of any contract or agreement made by or on behalf of the county are being or have been violated, or that any money is due the county, may apply, by civil action in the name of the state, to a court of competent jurisdiction, to restrain such contemplated misapplication of funds, or the completion of any such illegal contract not fully completed, or to recover back, for the use of the county, all such public moneys so misapplied or so illegally drawn out or withheld from the county treasury, or to recover, for the benefit of the county, any

damages resulting from the execution of any such illegal contract, or to recover, for the benefit of the county, any such real or personal property so used or occupied, or to recover, for the benefit of the county, any damages resulting from the non-performance of the terms of any contract, or to otherwise enforce the same, or to recover any such money due the county.

SECTION 2. That section 1277 of the Revised Statutes of Ohio, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect from and after its passage, and shall apply to all actions, prosecutions, or proceedings pending, and to all causes of actions, prosecutions, or proceedings existing at that time.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 385G

[House Bill No. 255.]

AN ACT

To appropriate the sum of twelve hundred dollars ($1,200.00) to pay the deficiencies and defray the expenses of the state live stock commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated out of any moneys now in the state treasury, not otherwise appropriated the sum of twelve hundred dollars ($1,200.00) to the use of the live stock commission of the state for the purpose of paying deficiencies of said commission and further expenses of said commission. Appropriation for state live stock commission.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 386G

[House Bill No. 1085.]

AN ACT

To amend section 2966-15 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2966-15 of the Revised Statutes be amended so as to read as follows: Conduct of elections:

Division of wards, etc.

Sec. 2966-15. In all municipalities where registration is not required, and in townships, when four hundred votes or more have been cast at the last preceding November election in any ward or township, or in any precinct therein, such ward, township or electon precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors as hereinafter provided, into two or more election precincts, so as to limit the number of votes in each ward or precinct to three hundred, as nearly as may be practicable; and from time to time, any or all of such precincts may be rearranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts, shall be divided, changed or combined, will be considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and, if there are no remonstrances against said division, change or combination, they shall declare the same, and the precincts so established; but if any twelve electors of such precincts remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the powers and duties of city boards of elections in reference to the division of election precincts within such cities as provided in section 2926, of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election of an assessor in each such subdivision, but in all such election precincts subdivided as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct.

Rearrangement, etc., of precincts.

Notice of change.

Hearing.

Election of assessor.

Repeals.

SECTION 2. That said original section 2966-15 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 12, 1902.

387G

[House Bill No. 1029.]

AN ACT

To further supplement section 1692 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1692 of the Revised Statutes of Ohio be further supplemented by the enactment of section 1692*h* to read as follows:

Cities and villages; enumeration of powers.

Sec. 1692*h*. That the council of any city of the fourth grade of the second class shall have the right and power to appropriate, out of the general fund of such city, and to expend money for or towards the giving and maintaining in some public park or parks or public grounds in such city, for the benefit of the public and at the expense of the city, free musical concerts, at such times and places as the council shall by resolution determine, and that the foregoing may be done by resolution of the council duly passed and without the passage of any ordinance relating thereto. Provided, that the amount expended for such purpose in any city shall not exceed the sum of six hundred dollars in any one year.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 388G

[House Bill No. 82.]

AN ACT

To amend section 6835 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6835 of the Revised Statutes of Ohio be amended so as to read as follows:

Burglary; penalty for.

Sec. 6835. Whoever in the night season maliciously and forcibly breaks and enters any inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value, shall be imprisoned in the penitentiary during life. But upon recommendation of mercy by the jury shall be imprisoned not more than thirty years nor less than ten years; and whoever in the night season, maliciously and forcibly breaks and enters, or attempts to break and enter, any uninhabited dwelling house, or any kitchen, smokehouse, shop, office, storehouse, warehouse, malt house, stillhouse, mill, pottery, factory, watercraft, schoolhouse, church or meetinghouse, barn or stable, railroad car, car factory, station house, hall or any other

Attempts at burglary; penalty for.

building, or attempts to break and enter any uninhabited dwelling house with intent to steal property of any value, or with intent to commit a felony, shall be imprisoned in the penitentiary not more than fifteen years, nor less than five years; and if any person shall have, or keep in his possession any tools, implements, or other things used by burglars for house breaking, forcing doors, windows, locks, or buildings, or other places where goods, wares, merchandise, or money is kept, with the intention of using such tools or implements burglariously, shall be imprisoned in the penitentiary not more than five years, nor less than one year.

Having possession of burglar's tools; penalty.

Repeals, etc.

SECTION 2. That said original section 6835 of the Revised Statutes of Ohio be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 389G

[Senate Bill No. 247.]

AN ACT

To amend section 2408 of the Revised Statutes as amended April 11, 1890 (Ohio L., 172).

Be it enacted by the General Assembly of the State of Ohio:

Waterworks.

SECTION 1. That section 2408 of the Revised Statutes, as amended April 11, 1890 (Ohio L. 172) be so amended as to read as follows:

Trustees of waterworks.

Sec. 2408. The council of any city or village in which waterworks are situate, or in progress of construction, or when it orders [waterworks] to be constructed, shall establish a board of three trustees, to be known as the trustees of the waterworks, who shall be elected by the electors of the corporation, and hold their office for the term of three years, except that at the first election under this chapter one shall be chosen for one year, one for two years and one for three years; and thereafter one of the trustees shall be elected annually at the annual municipal election: provided that where all of the machinery of the municipal electric lighting plant and all of the machinery of the waterworks plant are operated jointly in the same building and with the same boilers and machinery so far as practicable, the control and management of such joint waterworks and electric lighting plant shall vest wholly in the village or city council, and in such cases all existing boards of waterworks trustees established and created prior to the passage of this act shall be and are hereby abolished: provided, before such control and management are wholly

When office to be abolished.

vested in the village or city council, and boards of waterworks trustees be abolished, the council or other legislative board shall submit the question of such changes to a vote of the qualified electors of said village or city, at any general or special election, and in such manner of balloting, as said council or legislative board may determine, in accordance with the statutes governing like cases, and if a majority of said electors vote in favor of the change, said change shall be made; provided, that in cities of the first grade of the first class, there shall be no board of trustees of waterworks, but the duties of such trustees are devolved on the board of city commissioners, which board shall have all the powers and perform all the duties required of the board of trustees in this chapter. Cincinnati.

SECTION 2. That said section 2408 of the Revised Statutes as amended April 11, 1890 (O. L. 172) be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 390G

[Senate Bill No. 301.]

AN ACT

To supplement section 455 of the Revised Statutes by enacting 455*c*.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following section be enacted as supplementary to section 455 of the Revised Statutes of Ohio, with sectional numbering as herein designated. Circuit Court:

Sec 455*c*. The judges of the circuit court of the fifth judicial circuit shall each receive, from and after the passage of this act, in addition to the salary payable out of the state treasury, the sum of five hundred dollars per year, payable out of the treasury of the respective counties herein named as follows: Tuscarawas county, one hundred dollars; Muskingum county, two hundred dollars; Licking county, four hundred dollars; Stark county, four hundred dollars and Richland county, four hundred dollars, to be paid upon the warrant of the county auditor of the respective counties, which shall be issued semi-annually during each term of said circuit court in said county. Salaries of judges in fifth circuit.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 391G

[House Bill No. 1107.]

AN ACT

To supplement section 1491*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1491*a* of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Relief of needy blind persons in Dayton.

Sec. 1491*b*. That in any city of the second grade of the second class where there may reside a blind person, who has been a bona fide resident of such city for a period of three years and of this state for a period of five years, and who is in need of partial or permanent relief, the city authorities charged with the levying of taxes, shall annually levy a tax on the general duplicate of said city or appropriate such an amount out of any money in the treasury of said city not otherwise appropriated, so as to provide not to exceed the sum of one hundred dollars per annum for the relief of each such person or persons; provided, that such relief as aforesaid shall be furnished to such persons only as the board of infirmary directors of such city shall deem entitled thereto, which board shall have charge of the disbursement of said relief fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 392G

[House Bill No. 1011.]

AN ACT

To supplement section 4364-9 of the Revised Statutes of Ohio and to provide for a tax upon, and to regulate the business of the sale of intoxicating liquors upon dining and buffet cars upon railroads traversing the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Dow law:

SECTION 1. That section 4364-9 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Application of Dow law to railway companies operating buffet cars.

Sec. (4364-9) Sec. 2. That each railway corporation within the state of Ohio, which shall maintain or conduct dining or buffet cars upon any of its trains, and shall desire to dispense, spiritous, vinous, malt or other intoxicating on buffet cars, within the state of Ohio, shall apply to the auditor of state, who shall assess such railway upon the business of trafficking in such liquors, an annual tax as follows: the sum of three hundred and fifty dollars, when such railway corporation maintains

operates or controls not to exceed two hundred miles of railway within this state, and the sum of seven hundred dollars, when such railway corporation maintains, operates or controls over two hundred miles of railway within this state.

When tax to be paid; to whom, etc.

Sec. (4364-9) Sec. 3. That money paid under this act shall be paid by the railway corporation, making such payment, to the treasurer of state, upon the warrant of the auditor of state, which payment shall be made on or before the tenth day of January of each year, and when such payment is not made until on or after June 10th, then one-half of such annual payment shall be so made. And upon the payment of such sum, the treasurer of state shall deliver to such railway corporation a receipt for the sum so paid, which receipt, duly signed by the treasurer of state, shall be sufficient evidence of compliance with the provisions of this act, and shall authorize said railway corporation to conduct said business until the 10th day of January next succeeding.

Penalty for non-payment of such tax; how recovered.

Sec. (4364-9) Sec. 4. When any railway corporation, so trafficking in spiritous, vinous, malt or intoxicating liquors as aforesaid, shall neglect or refuse to so pay such sums of money aforesaid, it shall be subject to pay the penal sum of one thousand dollars, to be recovered in an action brought in the name of the state of Ohio by the attorney general of the state and against such railway corporation, in any court of record, in any county of the state, into or through which a line or lines of such railway corporation run, and to pay in addition thereto the costs accruing in such action.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 393G

[Senate Bill No. 59.]

AN ACT

To amend section (2979-1) of the Revised Statutes of Ohio, to apportion the state of Ohio into congressional districts under the twelfth census of the United States.

Be it enacted by the General Assembly of the State of Ohio:

State, county and township elections:

SECTION 1. That section (2979-1) of the Revised Statutes of Ohio be and the same is hereby amended to read as follows:

Congressional apportionment.

SECTION 2. That under the twelfth census of the United States, the state of Ohio shall be divided into twenty-

Congressional apportionment.

one (21) districts for the election of representatives to congress, and each district shall choose one representative in the manner following, to-wit:

First District. — That so much of the county of Hamilton as is now contained within the limits of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 18th, 26th, 27th, and 31st wards of the city of Cincinnati, as they are now constituted, and the townships of Anderson, Columbia, Spencer, Symmes, and Sycamore, and the Northeast, Southeast, St. Bernard, Bond Hill, precincts of Millcreek township shall compose the first district.

Second District. — The remaining portion of the county of Hamilton now contained within the limits of the 12th, 13th, 14th, 15th, 16th, 17th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 28th, 29th and 30th wards of the city of Cincinnati, as they are now constituted, and the townships of Springfield, Colerain, Greene, Delhi, Storrs, Miami, Whitewater, Harrison, and Crosby, and Elmwood, College Hill, Winton Place, and Western Precincts of Millcreek township shall compose the second district.

Third District. — The counties of Preble, Butler and Montgomery shall constitute the third district.

Fourth District. — The counties of Darke, Shelby, Mercer, Auglaize, and Allen, shall compose the fourth district.

Fifth District. — The counties of Williams, Defiance, Henry, Paulding, Putnam, and Van Wert shall compose the fifth district.

Sixth District. — The counties of Greene, Warren, Clinton, Highland, Brown, and Clermont shall compose the sixth district.

Seventh District. — The counties of Miami, Clark Madison, Fayette, and Pickaway shall compose the seventh district.

Eighth District. — The counties of Hancock, Hardin, Logan, Champaign, Union, and Delaware shall compose the eighth district.

Ninth District. — The counties of Lucas, Ottawa, Wood, and Fulton shall compose the ninth district.

Tenth District. — The counties of Pike, Jackson, Gallia, Lawrence, Adams, and Scioto shall compose the tenth district.

Eleventh District. — The counties of Meigs, Athens, Vinton, Ross, Hocking, Fairfield, and Perry shall compose the eleventh district.

Twelfth District. — The county of Franklin shall compose the twelfth district.

Thirteenth District. — The counties of Erie, Sandusky, Seneca, Crawford, Wyandot, and Marion shall compose the thirteenth district.

Fourteenth District. — The counties of Lorain, Huron, Ashland, Richland, Morrow and Knox shall compose the fourteenth district. Congressional apportionment

Fifteenth District. — The counties of Washington, Morgan, Noble, Muskingum, and Guernsey shall compose the fifteenth district.

Sixteenth District. — The counties of Carroll, Jefferson, Harrison, Belmont and Monroe shall compose the sixteenth district.

Seventeenth District. — The counties of Wayne, Holmes, Coshocton, Tuscarawas, and Licking shall compose the seventeenth district.

Eighteenth District. — The counties of Stark, Columbiana, and Mahoning shall compose the eighteenth district.

Nineteenth District. — The counties of Ashtabula, Trumbull, Geauga, Portage, and Summit shall compose the nineteenth district.

Twentieth District. — The counties of Lake and Medina and that portion of Cuyahoga county composed of the townships of East Cleveland, Bedford, Chagrin Falls, Euclid, Independence, Mayfield, Newburg, Orange, Solon, Warrensville, Brecksville, Brooklyn, Dover, Middleburg, Olmstead, Parma, Rockport, Royalton, Strongville, Collinwood, Glenville and West Park, and wards 26th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, and 42d, as constituted January 1st, 1896, in the city of Cleveland, shall compose the twentieth district.

Twenty-first District. — The remaining portion of Cuyahoga county shall compose the twenty-first district.

SECTION 3. That said original section (2979-1) in so far as it conflicts with this act, the same is hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 394G

[Senate Bill No. 289.]

AN ACT

To authorize municipalities to construct and repair viaducts and to provide for the manner in which funds raised for such purpose shall be expended.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever the trustees of any township or hamlet, or the council, board of legislation, or other legislative body or bodies shall have determined to issue bonds for the purpose of constructing or repairing any viaduct or viaducts over any street, stream, railway tracks Townships and municipalities authorized to construct or repair viaducts; bonds therefor.

or other place where an overhead roadway or footway is deemed necessary, under the authority of section 2835 of the Revised Statutes; or whenever such trustees, council, board of legislation or other legislative board [or boards] shall have determined under the provision of said last named section to purchase or condemn, or whenever any such township, hamlet or municipal corporation shall have purchased or condemned any land for the purpose of constructing or repairing any viaduct or viaducts then and in that event said township, hamlet or municipal corporation shall have authority to construct or repair any such viaduct or viaducts and to purchase or condemn the necessary land therefor, if the same has not already been purchased or condemned, and the money arising from the sale of any of the bonds issued under the authority of section 2835 as aforesaid shall be expended as provided in section 2 thereof.

How money raised for such purpose to be expended.

SECTION 2. All funds arising from the sale of bonds for the construction or repair of viaducts or for the purchase or condemnation of land for such purpose as authorized by section 2835 Revised Statutes shall be covered into the treasury of the township, hamlet or municipal corporation as the case may be, and shall be paid out and expended upon the vouchers of the board, officer or officers in such township, hamlet or municipal corporation having charge of the repair of public roads or streets therein. All contracts for such improvements shall be made by said board, officer or officers in the same manner as other contracts are now required by law to be made by them. All vouchers to pay said contracts or for any portion of the cost of such improvements shall be drawn by said board, officer or officers upon the clerk of the township or hamlet, or the auditor or clerk of the municipal corporation who shall keep an accurate account of all moneys so expended, and the funds created by the sale of bonds for viaduct purposes shall be known as the "Viaduct fund."

In case of bond issue authorized by election.

SECTION 3. Whenever the voters of any township, hamlet or municipal corporation shall determine to issue bonds for the construction or repair of viaducts, or for the purchase or condemnation of the land necessary for such purpose as provided in section 2837 Revised Statutes the authority to make such improvements is hereby conferred and the money arising from the sale of such bonds shall be expended in the same manner as is provided for the expenditures authorized in section 2 hereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON.
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 395G

[Senate Bill No. 180.]

AN ACT

To amend section 6710 (as amended 93 O. L., 255) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6710 (as amended 93 O. L., 255), of the Revised Statutes, be amended so as to read as follows: Jurisdiction in error:

Sec. 6710. A judgment rendered, or a final order made, by any circuit court, or a judge thereof, court of common pleas, or a judge thereof, probate court, insolvency court, or the superior court, or a judge thereof, may be reversed [vacated] or modified by the supreme court, on petition in error, for errors appearing on the record, in any case in quo warranto, mandamus, habeas, corpus, procedendo, or in which is involved the construction of the constitution of the United States, or the state of Ohio, or the jurisdiction of any court of this state, or the construction or validity of a treaty or statute of, or authority exercised under the United States, or in which the decision is contrary to that of any circuit court, and not in accord with a previous decision in the supreme court; but no petition in error in such cases, except as to the judgment or final order of the circuit court, or a judge thereof, or of the general term of the superior court of Cincinnati, shall be filed without leave of the supreme court, or judge thereof, and the supreme court shall not in any civil cause or proceeding, except when its jurisdiction is original, be required to determine as to the weight of evidence; and on application of any party excepting to a ruling or decision of the circuit court during the trial, or on motion for a new trial, such court shall find from the evidence and state on the record the facts upon which the alleged error arises, or which may be material in determining whether error has intervened or not. Jurisdiction of supreme court in error.

SECTION 2. That section 6710 of the Revised Statutes of Ohio, as amended April 25, 1898, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect from and after its passage, and shall apply to all causes of action existing, and actions pending at that time in all courts inferior to the supreme court.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 396G

[Senate Bill No. 109.]

AN ACT

To amend section 2683 of the Revised Statutes of the state of Ohio. To authorize tax levies for special purposes.

Be it enacted by the General Assembly of the State of Ohio:

Finance and taxation:

SECTION 1. That section 2683 of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal levies for special purposes.

Sec. 2683. In addition to the taxes specified in the last section, the council in each city and village may levy taxes annually, for any improvement authorized by this title, and for the following purposes:

1. For the real estate and right of way for any improvement authorized by this title.

2. For sanitary and street cleaning purposes, and for street improvements and repairs. And in cities of the second grade of the first class, such part of the funds raised for any of these purposes as the council deems necessary shall, upon the recommendation of the board of improvements, be appropriated monthly for keeping in repair the paved streets of such cities.

3. For improving highways leading into the corporation.

4. For wharves and landings on navigable lakes and rivers, and keeping the same in repair.

5. For constructing levees and embankments, and keeping the same in repair.

6. For constructing and maintaining bridges.

7. For improving any water course passing through the corporation.

8. For the erection and maintenance of infirmaries, and support of the out-door poor.

9. For the erection and maintenance of workhouses.

10. For erecting, enlarging, or improving corporation prisons.

11. For the erection of houses of refuge and correction, and for the expense of maintaining and administering the same, above the receipts arising from the labor of persons confined therein, such sum as may be necessary to meet the same.

12. For the erection and repair of market houses, and for lighting, watching, and cleaning the same.

13. For erecting, enlarging, maintaining and improving hospitals.

14. For erecting, enlarging, and improving halls and public offices.

15. For the erection of school buildings, and such rate as may be prescribed by law for schools and schoolhouse purposes.

16. For the erection of buildings required by the fire department, the construction of reservoirs, the purchase of

steam or other fire engines, and other apparatus, and for keeping the same in repair, and for the support of the fire department.

17. For erecting, enlarging, and improving water-works, and for supplying the corporation with water.

18. For erecting, enlarging, and improving gas works, and for lighting the corporation.

19. For grounds for cemeteries and park purposes, inclosing, improving, embellishing, enlarging and keeping the same in repair.

20. For the construction and repair of sewers, drains, and ditches; and where the corporation is divided into sewer districts, the levy shall be by such districts.

21. For the payment of the marshal and police authorized by this title.

22. To pay the interest on the public debt of the corporation, and to provide a sinking fund therefor, a sum sufficient to satisfy the interest as it accrues annually, to be applied to no other purpose.

23. For the purpose of keeping up and maintaining a free public library and reading room; but no tax shall be levied for this purpose unless a suitable lot and building therefor, supplied with library furniture and fixtures, shall first be donated or leased to, or rented by the corporation.

The council shall determine the amount to be levied for each of the purposes herein specified, and such part thereof must be placed on the tax list and collected annually as it shall by ordinance prescribe.

SECTION 2. That said original section 2683 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 397G

[Senate Bill No. 91.]

AN ACT

To provide for the recording by the probate court of receipts and memoranda in the conditional grants or devises of land or real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That when any lands or real estate are left incumbered by the provisions or conditions of any deed or will, or other instrument of record, with the payment of money, or the performance of any act or acts, by the grantee or devisee, said grantee or devisee or their heirs Probate court to record receipts and memoranda in conditional grants or devises of real estate.

or assigns, may, upon the payment of said money or the performance of the said act or acts, present the receipt of the payment of the money, or the proof of the performance of the act or acts, to the probate court of the county in which said lands or real estate is situate, whose duty it shall be to enter said payments and the proof of the performance of said act or acts, on the journal of the probate court and record said receipts and the proof of the performance of said act or acts, on the margin of the will record wherein said incumbrances are created, and order that the same shall be done in like manner on the margin of the deed record in the recorder's office by the county recorder and the same shall operate to relieve said lands and real estate from said incumbrances except for fraud; provided that no such record of said receipts or orders shall be made by the probate judge nor shall the probate judge enter proof of the performance of said act or acts as herein required until notice thereof has been given as is required by law for the settlement of administrators' and executors' final accounts.

Same by county recorder.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 398G

[Senate Bill No. 127.]

AN ACT

Providing for the payment of certain expenses incurred by Troop "A" of the Ohio national guard.

Preamble:

WHEREAS, The state of Ohio should be properly represented on public occasions through its military organizations and otherwise; and

WHEREAS, Troop "A" of the Ohio national guard, aggregating 61 men equipped and mounted, accepted an invitation from the late president, William McKinley, to act as his personal escort or guard of honor during the ceremonies incident to his inauguration as president of the United States in the city of Washington, during the month of March, 1901, and thereby incurred large expense, part of which has been paid by the organization, and the balance secured by their personal obligations; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for troop "A", O. N. G.

SECTION 1. That there be and is hereby appropriated out of moneys in the treasury to the credit of the general revenue fund not otherwise appropriated the sum of eighteen hundred ($1,800.00) dollars to pay the expense in-

curred by said organization by reason of participation in the said presidential inauguration of the late President William McKinley. The auditor of state is directed to draw his warrant for said amount, payable to the commanding officer of said organization, upon vouchers approved by the adjutant general of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 399G

[House Bill No. 764.]

AN ACT

To amend section 1027 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1027 of the Revised Statutes of Ohio be amended so as to read as follows: County auditor:

Sec. 1027. The county auditor or any person authorized by him, in writing shall at all reasonable times have a right to examine and make memoranda from the records of deeds, mortgages and leases in any county in this state, free of charge. Right to examine records.

SECTION 2. That said original section 1027 of the Revised Statutes of Ohio be, and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 400G

[House Bill No. 726.]

AN ACT

To amend section 1365-25 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1365-25 of the Revised Statutes of Ohio be amended so as to read as follows: Fees and costs:

Sec. 1365-25 Sec. 8. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and that the county commissioners shall also have power to extend at their discretion, for thirty days, the time for the payment of taxes. Cuyahoga county; extension of time for payment of taxes

Repeals.

SECTION 2. That said original section 1365-25 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 401G

[House Bill No. 858.]

AN ACT

To amend sections 1069 and 1117 and to repeal sections 1070 and 1072 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County auditor and treasurer:

SECTION 1. That section 1069 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Compensation of auditor.

Sec. 1069. The county auditor on settlement semi-annually with the county treasurer and the auditor of state, shall be allowed as compensation for his services the following percentages on all moneys collected by the county treasurer on the grand duplicate of the county and the same shall be apportioned ratably by the county auditor and deducted from the shares or portions of revenue payable to the state as well as the county, townships, corporations, and school districts, to-wit: On the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half per cent.; on the next ten thousand dollars, one per cent.; on the next ten thousand dollars, seven-tenths of one per cent.; on the next two hundred thousand dollars, four-tenths of one per cent.; and on all further sums, two-tenths of one per cent.; and on all moneys collected on any special duplicate, five-tenths of one; and on moneys collected on, levies made by school boards one per cent., to be paid as nearly as possible in equal monthly payments or that monthly estimates in lieu of said salary shall be allowed to said auditor and paid to him by the county treasurer. Provided, however, that in any county whose auditor receives a fixed compensation, payable out of the fee fund of said county, the compensation herein provided for shall be received and paid in by him to the credit of said fee fund of said county, as earnings of the county auditor's office.

SECTION 2. That section 1117 of the Revised Statutes of Ohio be so amended as to read as follows:

Fees of county treasurer.

Sec. 1117. The county treasurer on settlement semi-annually with the county auditor shall be allowed as fees on all moneys collected on the grand duplicate the following percentage: On the first ten thousand dollars, two

and one-half per cent.; on the next ten thousand dollars, one and one-half per cent.; on the next ten thousand dollars, one per cent.; on the next ten thousand dollars, seven-tenths of one per cent.; on the next two hundred thousand dollars, four-tenths of one per cent.; and on all other or further sums, two-tenths of one per cent.; on all moneys collected on any special duplicate, five-tenths of one; and on all other moneys collected otherwise than on the duplicate the following percentage: On licenses, fines, forfeitures, or on bonds or recognizances, on the first one thousand dollars, six; and on all over one thousand dollars, three per cent.; and on all other moneys collected on the first ten thousand dollars, eight-tenths of one per cent.; and on all over that amount, four-tenths of one per cent.; on all moneys whenever paid in on any suit commenced under section 2859 of the Revised Statutes or by reason of any litigation instituted against him under section 5848 of the Revised Statutes to the treasurer, instituting or defending such litigation so commenced against him, five per cent.; but no compensation, percentage, commission or fees shall be allowed on any moneys received by him from the state treasurer, or from his predecessors in office, or the legal representatives or sureties of such predecessors, or on any moneys received from the proceeds of the bonds of the county, or of any municipal corporation.

SECTION 3. That said original sections 1069, 1070, 1072 and 1117 be and the same are hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 402G

[House Bill No. 981.]

AN ACT

To change the name of "The German Lutheran Seminary of the German Lutheran Synod of Ohio and adjacent states," a body incorporated under the laws of the state of Ohio, by an act passed January 30, 1834.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the name of "The German Lutheran Seminary of the German Lutheran Synod of Ohio and adjacent states," be and the same is hereby changed so as to read: "The Theological Seminary of the Evangelical Lutheran Joint Synod of Ohio and other states." "The German Lutheran Seminary of the German Lutheran Synod of Ohio and adjacent states;" name changed.

SECTION 2. That such change of name shall in no wise affect the privileges and liabilities of the said body corporate.

SECTION 3. This act shall take effect and be in force from and after the date of its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 403G

[House Bill No. 1020.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1902, and the first quarter of the fiscal year ending February 15, 1903.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1902 and 1903.

SECTION 1. That the following sums, for the purposes herein specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

Adjutant General's Department.

Transportation of indigent soldiers	$150 00
Contingent expenses and inspections	2,375 00

State House and Grounds.

Salaries of five firemen	2,600 00
Salaries of ten regular laborers	4,760 00
Extra labor	875 00
Fuel for state house	2,500 00
Material and repairs	2,500 00
Care and repair heating apparatus	500 00
Water rent	1,500 00
Flags for state house	100 00
Furniture and repairs	150 00
Electric light for state house and power for elevators and ventilating fans	15,036 00
Salaries of two visitors' attendants	40 00
Paving basement floor state house	1,500 00

Ohio National Guard.

Pay Ohio national guard	60,000 00
Transportation Ohio national guard	17,500 00
Subsistence Ohio national guard	19,200 00
Fuel, lumber, straw and medical supplies, Ohio national guard	5,000 00
Necessary expenses military companies	19,500 00
Uniforms, overcoats, blankets and equipments	5,000 00
Horse hire, Ohio national guard	3,200 00
Forage for horses, Ohio national guard	775 00

Tents and repairs	800 00	General appropriations for 1902 and 1903.
Care military stores and freight on arms	2,500 00	
Rent of armories	38,400 00	
Improvement state camp ground at Newark	2,500 00	
Repair of state arsenal	200 00	

Agricultural Experiment Station.

Unexpended balance existing April 16, 1902, for expenses board of control is hereby re-appropriated and	250 00
Bulletin illustration	400 00
Special work in entomology, botany, chemistry and horticulture	6,400 00
Sub-stations for field experiment	4,800 00
General repair, labor and supplies	7,000 00
Unexpended balance existing April 16, 1902, for investigation of tuberculosis is hereby reappropriated.	
Special work in animal industry	1,500 00
Library equipment and care	250 00

State Board of Agriculture.

Encouragement of agriculture	12,000 00
For the suppression and prevention of diseases among live stock as provided in the Fraser law	3,000 00

Attorney-General's Department.

Fees on collections	1,200 00
Assistant counsel	6,000 00
Contingent expenses	1,125 00
Books and furniture	250 00

Auditor of State.

Contingent expenses	2,750 00
Collecting excise taxes	1,375 00
Carpets, furniture and repairs	150 00
Salary inspector and examiner of institutions	2,000 00
Salary liquor tax deputy	2,000 00
Salary of clerk	1,000 00
Traveling expenses	2,000 00

State Board of Appraisers and Assessors.

Contingent expenses	750 00
Salaries of members	500 00

State Board of Arbitration.

For per diem and expenses of members	2,200 00

General appropriations for 1902 and 1903.

Board of State Charities.

Expenses of board	3,500 00
Expense of investigating girls' industrial school, and other purposes	1,000 00

Board of Health.

Expenses of board	14,000 00
Office furniture and fittings	500 00

Board of Pardons.

Expenses of board	600 00

Board of Public Works.

Salaries of members	1,800 00
Traveling expenses of members	1,350 00
Salaries of two engineers	2,700 00
Salary of secretary	1,125 00
Salary of clerk	525 00
Contingent expenses	375 00
For keeping in repair and for the improvement of the Miami and Erie canal, all of its earnings and balances existing April 16, 1902, out of which it must use to enlarge culverts under Miami and Erie canal, in Paulding county, in such manner and at such places as may be directed by the board of county commissioners of said county, what is necessary, not exceeding	3,000 00
For locks between Cincinnati and Dayton	5,000 00
For improvement Miami river dam at Middletown and Mad river dam at Dayton	1,500 00
For strengthening three arch culverts at Franklin, and Hole's stone culvert five miles below Dayton	3,000 00
For dredging the Miami and Erie canal between Cincinnati and Dayton	10,000 00
For continuing permanent improvement on walls of canal in Cincinnati	20,000 00
Provided, however, that any work done under this appropriation must be let by contract to the lowest bidder, after the proper advertisements for bids on same.	
For the northern division of Ohio canal, all of its earnings, and balances existing April 16, 1902, and	20,000 00
For the improvement of the Summit county reservoir, for building a new outlet lock from Long lake into the canal, for new safety wasteway at Long lake, for repairing Tuscarawas river dam and feeder, and for dredging Long lake outlet and reservoir channels	4,500 00

For repairs and permanent improvements upon the embankment on six mile Walhonding dam	500 00	General appropriations for 1902 and 1903.
For the southern division of the Ohio canal, all of its earnings and balances, existing April 16, 1902, and	15,000 00	
For such purposes or so much as may be collected thereof, from leases and privileges under an act passed April 29, 1902, providing for the control and management of lakes, reservoirs, etc., dedicated to the public for parks and pleasure resort purposes	2,000 00	
Canal Commission.		
Salaries of commissioners	2,250 00	
Expenses of commission	3,000 00	
For partitions in office, repairs and papering	200 00	
Commissioner of Common Schools.		
Traveling expenses of commissioner	$550 00	
Per diem and expenses of state board of examiners	750 00	
School book commission	250 00	
Boxing and shipping	300 00	
Distribution of school laws	100 00	
Contingent expenses	1,000 00	
Furniture and carpets	100 00	
Clerk	600 00	
Commissioners of Public Printing.		
Printing paper	35,000 00	
Commissioner of Soldiers' Claims.		
Contingent expenses	550 00	
Furniture and office fixtures	150 00	
Dairy and Food Commissioner.		
Expense of commissioner	1,100 00	
Expenses of two assistant commissioners	1,000 00	
One chief inspector for the collection of the liquor tax under the Cain law	1,500 00	
Five assistant inspectors at $1,200 each	6,000 00	
Traveling expenses of liquor tax inspectors	6,000 00	
Inspection, analyses and publication	22,000 00	
Contingent expenses	950 00	
Attorney fees	13,000 00	
Examiner of Steam Engineers.		
Salaries of two district examiners	2,400 00	
Traveling expenses	4,500 00	
Contingent expenses	1,400 00	
Salary of clerk	280 00	

Executive Department.

General appropriations for 1902 and 1903.

Contingent expenses, including newspapers....	1,800 00
For carpets, furniture, repairing and decorating	3,000 00

Fish and Game Commission.

Expenses of commission.....	9,000 00
John M. Roberts, for water rights and mill property	1,500 00
State fish hatcheries.....	3,400 00
Maintaining pheasantry, and purchase and propagation of quail.....	1,200 00
For state fish hatchery, place to be selected by commission	4,000 00
Maintaining patrol boat.....	3,000 00

Bureau of Labor Statistics.

Traveling expense of commissioner.....	500 00
Furniture, carpets and repairs.....	200 00
Free public employment offices, for furniture, repairs and advertising	500 00
Contingent expenses	6,500 00
Salaries of five free public employment superintendents	6,000 00
Five clerks for free public employment offices.	3,000 00
Unexpended balance for investigating convict-made goods is hereby reappropriated.	
Salary of clerk	120 00
Salary of clerk.....	600 00
Additional salary for stenographer.....	180 00

Inspector of Mines.

Traveling expense of chief inspector.....	500 00
Traveling expenses of seven district inspectors.	3,400 00
Salary of stenographer	120 00
Clerk hire	450 00
Carpets and furniture	160 00
Contingent expenses	1,050 00

Inspector of Workshops and Factories.

Traveling expense of chief inspector.....	350 00
Traveling expenses eleven district and two bake-shop inspectors.	5,000 00
Clerk hire	60 00
Scientific appliances	100 00
Office rent in Cleveland and Cincinnati.....	300 00
Carpets, furniture and fixtures	700 00
Contingent expenses	1,000 00

Judiciary.

Salaries of judges	300,000 00

Law Library.

Contingent expenses	500 00	General appropriations for 1902 and 1903.
There is hereby reappropriated, the balance in the state treasury for assistant librarian and bookkeeper	500 00	
Books and legal publications	3,000 00	

Legislature.

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes	5,000 00	
For chief clerks of the senate and house of representatives, twelve hundred ($1,200.00) dollars each for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars to each, shall be fully paid, twenty-four hundred dollars	2,400 00	
Expense of legislative committees	3,000 00	
Contingent expenses of senate	1,500 00	
Contingent expenses of house	7,500 00	
Contingent expense of senate clerk	150 00	
Contingent expense of house clerk	150 00	
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber and hall of the house, and committee rooms after the adjournment of the general assembly in the spring of 1902, and taking care of the same until January, 1903, and for taking care of the bill books and other property of the members, as requested by them, one thousand ($1,000.00) dollars, to be paid at the rate of four dollars per day, on the warrant of the auditor of state	1,000 00	

General appropriations for 1902 and 1903.

For employment of laborers by the said Frederick Blankner, in the performance of the foregoing duties at the rate of two dollars per day when by him necessarily employed, five hundred ($500.00) dollars, to be paid to said laborers on the warrant of the auditor of state	500 00
For contingent expenses for care both houses	500 00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory, and boys' industrial school	115,000 00

Secretary of State.

Contingent expenses	2,250 00
Distribution of books	2,000 00
Stationery	10,500 00
Furniture, carpets and repairs	1,000 00
Salary of corporation fee clerk	1,125 00
Salary of assistant corporation fee clerk	1,125 00
Salary of corporation stenographer	1,000 00
Collecting corporation fees	1,000 00

Ohio State Library.

Books and papers	1,750 00
Contingent expenses and extra labor	1,350 00
For cataloguing	510 00
Traveling libraries	6,480 00
Expenses of board of library commissioners	300 00
Salary of secretary of library commission	500 00
Repairs of library room	300 00
Four library assistants	2,880 00

Superintendent of Insurance.

Salary of superintendent	1,000 00
Salary of deputy superintendent	600 00
Salary of corresponding clerk	150 00
Salaries and expenses of extra clerks	2,600 00
Additional compensation for examining clerk and statistical clerk in the insurance department	600 00
Contingent expenses	1,425 00
Salary of actuary	2,400 00
Salary of first assistant actuary	1,300 00
Salary of second assistant actuary	1,300 00

All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state; and all fees heretofore under the law authorized to be paid on salaries, since February 15, 1902, shall be paid over to the state treasury on the warrant of the auditor.

Bureau of Building and Loan Associations.

Salary of deputy inspector and supervisor bond investment companies	600 00	General appropriations for 1902 and 1903.
Two additional examiners at $1,800 each	3,600 00	
Salaries of extra clerks and employes	2,900 00	
Salary of mailing clerk	200 00	
Contingent expenses	875 00	
Salary of examiner	1,800 00	
Salary of examiner	1,800 00	
Salary of clerk	200 00	

Supervisor of Public Printing.

State printing	39,500 00
State bindery	32,000 00
Contingent expenses	160 00
Machinery	6,000 00

Supreme Court.

Salary of stenographer, second division	1,000 00
Salary of one porter	600 00
Purchase and care of furnishings	200 00
Contingent expenses	700 00

Clerk of Supreme Court.

Contingent expenses	575 00
Salary of indexing clerk, balance until February 15, 1903	900 00

Reporter of the Supreme Court.

Contingent expenses	1,000 00

Treasurer of State.

Collecting auditor of state's drafts	2,200 00
Carpets, furniture and repairs	150 00
Contingent expenses	1,200 00

Ohio Penitentiary.

Current expenses	145,000 00
Salaries of officers	20,000 00
Salaries of guards	69,000 00
Manufacture of gas, electricity, and improvement of lights	8,500 00
Rewards to discharged convicts	18,500 00
Ordinary repairs and improvements	11,500 00
Sewerage and water works	500 00
Expenses of execution	500 00
Furniture and carpets	700 00
Religious services and library	1,000 00

Ohio State Reformatory.

General appropriations for 1902 and 1903.

Current expenses	35,000 00
Unexpended balance in current expenses is hereby reappropriated.	
Salaries of officers	18,000 00
Salaries of guards and employes	23,000 00
Ordinary repairs and improvements	3,000 00
Furniture and carpets	250 00
Rewards outgoing prisoners	2,000 00
Unexpended balance in rewards outgoing prisoners is hereby reappropriated.	
Intellectual, moral and manual instructions, and library	500 00
Construction of cells in left wing	65,000 00
For the purchase and improvement of additional land	20,000 00
Completing two workshops	7,500 00
Unexpended balance existing April 16, 1902, for construction of wall is hereby reappropriated.	
Unexpended balance for enclosing left wing is hereby reappropriated.	

Athens State Hospital.

Current expenses	108,000 00
Balance in current expense fund, April 16, 1902, is hereby reappropriated for the purpose of improving disposal of sewage, by condemnation and purchase of property, or purchase of land, and any method recommended by the board of trustees, and for improvement and repairs of buildings.	
Salaries of officers and trustees' expenses	4,200 00
Ordinary repairs and improvements	12,000 00
Paving and grading roads	1,000 00
Balcony in amusement hall	2,000 00
Furnishing amusement hall	2,000 00
Furniture and carpets	2,000 00
Improving water supply	2,000 00
Purchase of land	500 00
Increasing boiler capacity	15,000 00
For two cottages	50,000 00

Cleveland State Hospital.

Current expenses	135,000 00
Salaries of officers and trustees' expenses	5,200 00
Ordinary repairs and improvements	12,000 00
Closets and bath rooms	1,400 00
Carpets and furniture	2,500 00
Hospital building and furnishings	35,000 00
Remodeling laundry building, equipment, and carpenter shop	10,000 00

For new greenhouse	2,500 00	General appropriations for 1902 and 1903.
Balcony to hospital wards	2,000 00	
New barn	4,000 00	
Extension of water mains	2,000 00	

Columbus State Hospital.

Current expenses	155,000 00
Salaries of officers and trustees' expenses	5,700 00
Ordinary repairs and improvements, including fence and tile floor in congregate dining room	16,000 00
Completing laundry and additional machinery and motors	13,000 00
Furniture and carpets	2,000 00
Completing water system and stand pipe	13,000 00
Building for 150 infirm insane, including furnishing	42,500 00

Dayton State Hospital.

Current expenses	91,000 00
Salaries of officers and trustees' expenses	4,000 00
Ordinary repairs and improvements	10,500 00
Furniture, carpets, beds and bedding	6,500 00
Fire protection	800 00
For construction	40,000 00
Water heater	800 00
Remodeling and rebuilding bakery	3,000 00
Greenhouse repairs	600 00

Longview Hospital, Carthage, Ohio.

Current expenses, including salaries of officers and expenses of directors, ordinary repairs and improvements and furniture and carpets	135,000 00
For furnishing new building	7,500 00

Massillon State Hospital.

Current expenses	100,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	5,500 00
Constructing two cottages and furnishing	50,000 00
Partial construction on infirmary building	25,000 00
Tunnel, grading and cement walks	3,000 00
Fire protection	800 00
Seating McKinley hall	1,200 00
Additional laundry machinery	2,000 00
Pipe, pipe coverings, electric wiring and fixtures	3,000 00
Additional wells and pumps	3,000 00
Hot water heater	1,600 00

General appropriations for 1902 and 1903.

Toledo State Hospital.

Current expenses	175,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	17,000 00
Carpets and furniture	3,000 00
Remodeling general dining halls	12,000 00
Employes' dining rooms and quarters	9,000 00
Remodeling four cottages	18,000 00
Additional and rebuilding cottage verandas	3,000 00
Hog pens	1,000 00
Motors, fans and wiring of conduits	6,000 00
Purchase of land	6,000 00

Boys' Industrial School.

Current expenses	65,000 00
Salaries of officers and teachers, and trustees' expenses	27,000 00
Ordinary repairs and improvements	8,000 00
Rewards	600 00
Religious services, lectures and amusements	850 00
Furniture and carpets	400 00
Machinery and tools, including electric	7,500 00
Furnishing laundry	2,387 00
Unexpended balance existing April 16, 1902, for employes' quarters and additional shop facilities is hereby reappropriated; and	11,000 00
School building, including furnishing	30,000 00

Girls' Industrial Home.

Current expenses	19,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	16,000 00
Ordinary repairs and improvements, including construction of roads	4,600 00
Religious services and amusements	500 00
Carpets and furniture	600 00

Institution for the Education of the Blind.

Current expenses	46,000 00
Salaries of officers and teachers, and trustees' expenses	12,000 00
Ordinary repairs and improvements	7,000 00
Oculist and oculist supplies	1,000 00
Carpets and furniture	2,000 00
Pianos and school apparatus	2,000 00
New steam plant, stokers for boilers, and radiators	20,000 00
Electric light plant and wiring buildings and fixtures	14,000 00
Gravel driveways and repairing pavement	1,000 00
Changing lavatories in main building and for girls	3,000 00
Repairing and decorating amusement hall and scenery	1,200 00

Institution for the Education of the Deaf and Dumb.

Current expenses	60,000 00	General appropriations for 1902 and 1903.
Salaries of officers and teachers, and trustees' expenses	32,400 00	
Ordinary repairs and improvements	8,000 00	
Foremen, supplies and industrial pursuits	5,000 00	
Lumber and nails for boxes	1,000 00	
Furniture and carpets	1,500 00	
Plumbing	2,500 00	

Institution for Feeble-Minded Youth.

Current expenses	180,000 00
Salaries of officers and teachers and trustees' expenses	15,500 00
Ordinary repairs and improvements	14,000 00
Unexpended balance existing April 16, 1902, for custodial buildings is hereby reappropriated, and	20,000 00
Unexpended balance existing April 16, 1902, for furniture and carpets is hereby reappropriated, and	5,000 00
Unexpended balance existing April 16, 1902, for barns, plant houses, water supply for buildings and garden irrigation, central boiler and power plant, fencing roads and walks, is hereby reappropriated.	
Heating and plumbing new buildings	10,000 00
Unexpended balance existing April 16, 1902, for building for hospital is hereby reappropriated.	
Electric light	6,000 00
New boilers	6,000 00
Coal house and boiler house	6,000 00
Authority is hereby given to purchase four hundred and fifty acres of land, the same to be paid for out of earnings from farm.	
Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.	

Soldiers' and Sailors' Home.

Current expenses and clothing, balances existing April 16, 1902, amount received from the general government, and	70,000 00
Salaries of officers and trustees' expenses	6,480 00
Ordinary repairs and improvements	7,000 00
Furniture and carpets, beds and bedding	1,000 00
Cemetery vault	500 00
Grading roadways and grounds	500 00
Sewage disposal plant	23,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

General appropriations for 1902 and 1903.

Current expenses	97,500 00
Salaries of officers, teachers and trustees' and lady board of visitors' expenses	19,500 00
Ordinary repairs and improvements	9,000 00
Industrial pursuits	7,500 00
Salaries of foremen and instructors	9,000 00
Net earnings	1,700 00
Religious services, amusements, library and pictures	1,500 00
Support of orphans outside	4,000 00
Carpets and furniture	2,000 00
Boilers and hot water system and rebuilding and replacing bath houses	32,000 00

Ohio Hospital for Epileptics.

Current expenses	109,000 00
Salaries of officers and trustees' expenses	7,800 00
Ordinary repairs and improvements	8,400 00
Carpets and furniture	2,000 00
Road construction	2,500 00
New boiler	4,000 00
Equipping and completing hospital, administration and cottage buildings	20,000 00
One stone cottage and furnishing	40,000 00
Rebuilding and furnishing male industrial building	8,000 00
Barns	2,500 00
Fire escapes	800 00
Purchase of additional land, adjoining sewage beds	775 00

Miscellaneous.

Pension for Mrs. J. P. Brush	96 00
For per diem and expenses board of commissioners, for investigating canals	3,000 00
There is hereby appropriated the sum of five thousand ($5,000.00) dollars, the same to be expended as provided in an act passed April 12, 1889, entitled "An act to provide for the extension of the geological survey of the state"	5,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1902, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state,

inter-state or national associations of state institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any moneys herein appropriated. In case any item appropriated herein, shall, for any reason, be declared invalid, such invalidity shall in no wise affect the validity of any other item or items, nor shall the abrogation or repeal of any section or clause of this act be held to abrogate or repeal any other section or clause thereof; and this act shall take effect on its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902 404G

[Senate Bill No. 342.]

AN ACT

To amend section 1545-276 of the Revised Statutes of Ohio, as amended May 2d, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1545-276 of the Revised Statutes of Ohio be amended so as to read as follows:

Akron and Youngstown.

Sec. 1545-276. The fire force of said city shall receive as remuneration the following salaries: Fire engineer a salary of not less than fifteen hundred dollars ($1,500) per annum; assistant engineer, a salary not less than three hundred ($300) dollars per annum; captains, a salary of not less than ten hundred and eighty ($1,080) dollars per annum; lieutenants, a salary of not less than nine hundred and seventy-two ($972) dollars per annum; mechanical engineer, a salary of not less than fifteen hundred ($1,500) dollars per annum; engineers, a salary of not less than ten hundred and sixty-eight ($1,068) dollars per annum; assistant engineers, a salary of not less than nine hundred and sixty ($960) dollars per annum; firemen, a salary of not less than nine hundred ($900) dollars per annum; linemen, a salary of not less than nine hundred and seventy-two ($972) dollars per annum; cadets, first grade, a salary of not less than seven hundred and eighty ($780) dollars per annum; cadets, second grade, a salary of not less

Fire department; compensation of members.

than seven hundred and twenty ($720) dollars per annum; cadets, third grade, a salary of not less than six hundred and sixty ($660) dollars per annum; cadets, fourth grade, a salary of not less than six hundred ($600) dollars per annum. The pay in all cases, except as otherwise provided for shall be fixed by the city council, and the salaries shall be paid semi-monthly to the persons entitled thereto. The officers, employes and property connected therewith, signals and fire alarms and the inspection of buildings, boilers, elevators, fire escapes and all matters relating to the fire services, shall be under the management, control and administration of the board of city commissioners and all officers and members of the fire force shall be appointed by the board of city commissioners, under such rules and requirements as to physical and other fitness as the board may adopt, and shall, after such appointment, hold their office during good behavior, subject to suspension or removal at the pleasure of the board, for cause entered upon the record. Subject to the provisions of this act in reference to contracts, the board of city commissioners shall purchase all necessary fire engines, either steam or hand, hose, carriages and all other such apparatus and instruments as shall be deemed necessary for the extinguishing of fires, and establish lines of fire alarms, telegraphs within the limits of the corporation, and fix fire limits, and shall cause to be erected all necessary and suitable buildings for containing fire engines, hose carriages and fire apparatus.

Management and control thereof.

Apparatus.

Repeals.

SECTION 2. That said amended section 1545-276 of the Revised Statutes of Ohio be and the same is repealed.

SECTION 3. This act shall take effect and be in force from and after September 1, 1902.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 405G

[House Bill No. 871.]

AN ACT

To appropriate the sum of nine thousand dollars ($9,000.00) for expenses in the maintenance of ship, steam launches and small boats of the Ohio naval brigade.

Preamble:

WHEREAS, The U. S. government loaned the U. S. S. "Hawk" and certain steam launches and small boats to the state of Ohio, on condition that they be maintained and kept in repair without expense to the U. S. government; and,

WHEREAS, The said U. S. S. "Hawk," steam launches and small boats were accepted by the state of Ohio on this condition; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for expenses in maintenance of ship, steam launches and small boats of Ohio naval brigade.

SECTION 1. That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of five thousand dollars ($5,000) for the expense and maintenance of the U. S. S. "Hawk," loaned by the United States government to the state of Ohio, said sum to be paid during the years 1902 and 1903, in quarterly installments; and there is hereby appropriated the further sum of four thousand dollars ($4,000) for the use of the first and second battalions, naval brigade, Ohio national guard, for the expense and maintenance of such steam launches and small boats as have been or may be hereafter loaned by the United States government to the state of Ohio, said sum to be paid during the years 1902 and 1903, in quarterly installments, all of said amounts to be paid to and distributed by the chief commanding officer of the Ohio naval reserve, hereafter elected under the provisions of section 3056-8 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 406G

[Senate Bill No. 290.]

AN ACT

To provide for the payment of the expenses of the election contest of David D. Taylor against J. Edward Hurst.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for David D. Taylor and J. Edward Hurst.

SECTION 1. That there be appropriated out of the general revenue fund of the state not already appropriated, the sum of four hundred and two dollars and eighty-three cents for the purpose of defraying the expenses of the senatorial election contest of David D. Taylor against J. Edward Hurst,. to be distributed as follows:

To David D. Taylor, for actual costs and expenses.	$166 36
To J. Edward Hurst, for actual costs and expenses.	236 47
	$402 83

The auditor of state is hereby authorized and directed to draw his warrant on the state treasurer for the several amounts herein specified.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 407G

[Senate Bill No. 126.]

AN ACT

To amend section 6924 of the Revised Statutes of Ohio

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public health:

SECTION 1. That section 6924 of the Revised Statutes of Ohio be amended to read as follows:

Certain business and buildings are nuisances when near state benevolent or penal institutions.

Sec. 6924. Whoever carries on the business of slaughtering, or tallow chandlery, or manufacturing of glue, soap, starch, or other article, the manufacture of which is productive of unwholesome or noxious odors, in any building or place within one mile of Longview asylum, or any of the state benevolent or penal institutions, or erects or operates within one hundred and twenty rods, of any state benevolent institution, or within four hundred feet of the administration department of any state penal institution, any rolling mill, blast furnace, nail factory, copper smelting works, boiler factory, petroleum oil refinery, or any other works which may generate unwholesome or noxious odors, or make loud noises, or which may annoy, or endanger the health, or prevent the recovery, of the inmates of any such institution, shall be fined not more than five hundred dollars nor less than one hundred dollars, and each week such business is conducted, or works operated shall constitute a separate offense. All property, real or personal, which is used with the knowledge of the owner thereof in violation of this section, shall be liable for the fines and costs assessed for such violation, without exemption.

Repeals, etc.

SECTION 2. That said original section 6924 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate

Passed May 12, 1902. 408G

[House Bill No. 800.]

AN ACT

To provide for the publication and distribution of the reports of the state geologist.

Be it enacted by the General Assembly of the State of Ohio:

Publication and distribution of reports of state geologist.

SECTION 1. That whenever the state geologist shall have completed a bulletin upon any of the subjects upon which he is authorized to conduct investigation, he shall notify the state printing commission of this fact, and it shall be the duty of this commission to determine the number of copies which shall be printed, and the grade of paper, the kind of binding and any other details incident to its proper publication.

SECTION 2. It shall be the duty of said commission to provide for the publication of said bulletin as soon as possible after the completion of same. The issue shall consist of a minimum number of three thousand copies. Of these, ten hundred copies, after deducting one hundred for the state library, shall be distributed pro rata among the general assembly. One thousand shall be distributed free by the state geologist in exchange with other surveys, and with individuals whose services have been used in the collection or preparation of the matter for the bulletins. Of this number not more than four hundred (400) may be distributed during the first year after publication, and not more than fifty (50) in any subsequent year.

One thousand copies shall be set aside for binding with other bulletins from time to time. When a sufficient number of such bulletins have accumulated to make collectively a volume of from eight hundred to one thousand pages, they shall be bound, lettered, and numbered to take their place in the series of volumes already published by the survey.

The distribution of the bound volumes of the survey shall be in the hands of the state geologist; but the state library shall receive one hundred copies, each member of the general assembly one copy, with privilege to draw not to exceed two other copies on application, and public libraries in the state shall be supplied with one copy each. The volumes remaining after these demands have been met may be distributed among the geological surveys and geological societies of the United States and of foreign countries, in exchange for their publications.

SECTION 3. The board may at its discretion order the publication of extra copies of bulletins in addition to the three thousand (3,000) already provided for. These extra copies shall be placed in the hands of the state geologist. From these members of the general assembly may, on application, draw up to fifty (50) copies each. Those remaining shall be placed on sale at a price equal to the net

cost of printing and binding, which price is to be established by the state supervisor of public printing. The proceeds of the sale of such copies shall be accounted for and paid into the state treasury, and the state geologist shall be required by the commission to give suitable bond for the security of the funds thus passing through his hands. The proceeds of such sales shall be credited to the account of the geological survey, and shall be used for the prosecution of further work of the survey, without distinction from other funds which the general assembly may from time to time appropriate for this purpose.

SECTION 4. The cost of printing, illustrating, electrotyping, and binding of said bulletins and said volumes, shall be paid from the general appropriation for state printing.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 409G

[House Bill No. 761,]

AN ACT

To amend section 1946 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police boards and officers:

Cleveland police pension act; who beneficiaries of fund.

SECTION 1. That section 1946 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1946. When a member of the police force has become disabled while in the active performance of official duty, or has performed faithful service as a member of such force for a period of not less than fifteen consecutive years since May 1, 1866, he may, by order of the director of the police, be retired from active service and placed upon the pension roll, and, when so retired, shall be paid from the fund provided for in the preceding section, a pension as follows: Superintendent of police, nine hundred and fifty dollars per year; deputy superintendent of police, eight hundred and seventy dollars per year; each captain, police surgeon and secretary of police, seven hundred and eighty dollars per year; each lieutenant and detective seven hundred and twenty dollars per year; each sergeant, six hundred and sixty dollars per year; and each patrolman, six hundred dollars per year, to be paid in equal monthly payments. Provided, that if any member of the force shall object to being retired on the ground that he is not disabled, but is able to perform his full official duty, then in such case such member of the force shall select one physician or surgeon of good repute and standing, who, acting with the police surgeon, shall

select another such physician or surgeon of good repute and standing, and they three shall examine such member of the force, and the finding of a majority of such three examiners shall be final as to the ability or inability, at that time, of the member of the force so examined to perform his full duty; and if found able he shall be returned to duty. If at any time there should not be sufficient money to the credit of the police pension fund to pay all claims against it in full, claims on account of the death of members of the force, if there be any such, shall be first paid in full and with as little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the funds on hand, and shall be accepted as payment in full by the claimants. No member of the force shall be placed upon the pension roll unless the police surgeon shall certify in writing that he is permanently incapacitated, either mentally or physically, from performing his official duties, nor unless due notice is given him by the director of police of his intention to retire him. Officers on the retired list shall not be subject to the orders of the director of police. Should an officer on the retired list be found guilty of committing a felony, he shall forfeit all further claim upon the police pension fund. The board of pension trustees shall, within thirty days after the death of any member of the police force who died either in active service or while on the pension roll, pay the sum of five hundred dollars to his widow or minor children, or in case there be no widow or minor children, then to such person or persons as were dependent on the deceased for support; but if there be no such dependent person, then no money shall be paid from the fund on account of such deceased member, except a sum not exceeding one hundred and fifty dollars, to be used to defray the funeral expenses. Provided, that each member of the force shall pay one per cent. of the amount he would receive if placed on the pension roll, in equal monthly payments to the city treasurer into said fund. Any member of the police force who shall have performed duty for a period of twenty-five consecutive years shall be retired upon his own application, and shall be awarded and paid an annual pension as provided in this section.

Repeals, etc.

SECTION 2. That said original section 1946 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902.

410G

[Senate Bill No. 244.]

AN ACT

Authorizing and directing the city auditors and accounting officers of municipal corporations to credit to the general fund cash balances remaining in any fund which can no longer be used for the purpose for which it was created.

Be it enacted by the General Assembly of the State of Ohio

Transfer to general fund of cash balances remaining in any fund which can no longer be used for the purpose for which created.

SECTION 1. That whenever any municipal corporation in this state has been authorized by any special or general act to issue bonds or otherwise to create a fund for any public improvement, and the authority so conferred has been exercised or exhausted by said municipal corporation or the act authorizing the creation of such fund has been declared invalid by the judgment of any court of competent jurisdiction, and there remains a cash balance in said fund unexpended, for the purpose for which it was created the auditor or other accounting officer of said municipal corporation is directed and authorized to immediately transfer such cash balance to the credit of the general fund of such corporation.

Same.

SECTION 2. That whenever in any municipal corporation there exists at the end of the year, to-wit, on the 31st day of December, a cash balance in any fund, other than a fund created for some public improvement, and for any reason the said cash balance can no longer be lawfully used for the purpose or purposes for which the fund was created, it shall be the duty of the auditor or other accounting officer of such municipal corporation to transfer said cash balance so remaining at the end of the year to the general fund of said corporation.

Effect of transfer.

SECTION 3. When any of the moneys authorized by this act to be transferred to the general fund of any municipal corporation have been so transferred said moneys shall be available for the general purposes of the corporation, as other moneys in said general fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 411G

[Senate Bill No. 156.]

AN ACT

To amend section 1979 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio

Misdemeanor to use violence upon police or special police, or to falsely assume to be such.

SECTION 1. (Misdemeanor to use violence upon police or special police, or to falsely assume to be a member of police or special police.) It shall be a misdemeanor, punishable by a fine not to exceed one hundred dollars, or imprisonment in the workhouse, or county jail, not less

than one month, nor more than three months, or both fine and imprisonment, for any person without justifiable or excusable cause to use personal violence upon any member of the police or special police, when in the discharge of his duty, or for any person not a member of the police or special police, to falsely represent himself as being such member.

SECTION 2. Original section 1979, passed April 18, 1883, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 412G

[Senate Bill No. 343.]

AN ACT

To provide for the publication of the Biographical Annals of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There shall be compiled biennially, under the direction of the clerks of the senate and house of representatives, and published by the commissioners of public printing, a publication to be known as "The Biographical Annals of Ohio," such publication may include such matter and illustrations valuable for reference purposes contained in any previous publication made by the state of Ohio or covered by copyright owned by said state, corrected and brought up to date of publication, together with new matter of like character. For the work of preparation of copy for such publication and proof reading the same, the clerk of the senate shall be allowed and paid the sum of three hundred dollars, payable out of the contingent fund of the senate, and the clerk of the house of representatives shall be allowed and paid the sum of three hundred dollars payable out of the contingent fund of the house, on the warrants of the presiding officers of the senate and house of representatives respectively. The cost of printing and binding and the illustration of such work shall be paid for out of the appropriation for public printing. Compilation and publication of "The Biographical Annals of Ohio."

SECTION 2. Each edition of the Biographical Annals of Ohio, shall be 10,000 copies, bound in substantial library cloth and distributed as follows: To each member of the general assembly, 50 copies; to each officer and employe of the general assembly, two copies; to each state deparment ten copies; to the state library for exchange and distribution to public libraries throughout the state, the residue of said edition to be disposed of to such parties as may How distributed.

desire the same and make sufficient payment thereon to cover the expense of said distribution, the money so collected to be turned into the state treasury to the credit of the general revenue fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 413G

[House Bill No. 406.]

AN ACT

To amend sections 4364-66, 6986-7, and 6986-8 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That sections 4364-66, 6986-7, and 6986-8 of the Revised Statutes of Ohio be amended so as to read as follows:

Provisions governing employment of minors.

(Sec. 4364-66). That no person, company or corporation, as aforesaid, shall give employment to any minor without agreeing with said minor what wages or compensation he or she shall be entitled to receive per day, week, month or year or per piece for work performed; and written evidence of such agreement shall be furnished to such minor, and on or before each pay day a statement of earnings due, and the amount thereof to be paid to him or her on such pay day shall be given to such minor, and no subsequent change shall be made in the wages or compensation of such minor without notice of the same being given to him or her at least twenty-four hours previous to its going into effect, and when such change is effected written agreement shall be given as in the first instance to such minor employe.

Unlawful employment of minors.

Sec. 6986-7. No child under the age of fourteen years shall be employed in any factory, workshop, mercantile or other establishment, directly or indirectly at any time; and no such child under said age shall be employed in any other manner, whether it be for compensation or otherwise, when the public schools in which district such child resides are in session. It shall be the duty of every person employing minors under the age of eighteen years to keep a register in which shall be recorded the name, birthplace, age and place of residence of every minor employed by him under the age of eighteen years.

Night employment.

(Sec. 6986-8.) No boy under sixteen years of age and no girl under eighteen years of age, shall be employed at any work at night time later than seven o'clock in the

evening nor earlier than six o'clock in the morning, and no minor under eighteen years of age shall be employed in any of the places named in section 6986-7 of the Revised Statutes of Ohio for a longer period than ten hours in one day, nor more than fifty-five hours in one week; and every such minor under eighteen years of age shall be entitled to no less than thirty minutes for meal time at noon, but such meal time shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors, such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the attorney general.

Number of hours of employment; noon meal.

Notices posted by employers.

SECTION 2. That said original sections 4364-66, 6986-7 and 6986-8 of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 414G

[Senate Bill No. 50.]

AN ACT

To amend section 2486 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2486 of the Revised Statutes of Ohio, be amended so as to read as follows:

Gas companies:

Sec. 2486. The council of any city or village shall have power, whenever it may be deemed expedient and for the public good, to erect gas works or electric works at the expense of the corporation, or to purchase any gas or electric works already erected therein; provided, that in villages where gas works or electrical works have already been erected by any person, company of persons, or corporation, to whom a franchise to erect and operate gas works or electric works has been granted, and such franchise has not yet expired, the council shall, with the consent of the owner or owners purchase such gas works or electric works already erected therein, and in event the council and owner or owners of any such gas or electric works shall be unable to agree upon the compensation to be paid for such gas works or electric works, the council may file in the probate court of the county where such gas or electric works are located, a petition to appropriate such gas works or electric works, and thereupon the same proceedings of appropriation

Council may erect or purchase gas or electric works.

shall be had as is provided for the appropriation of private property by municipal corporation. Provided that any municipal contract existing between any village and such person, company of persons or corporation for the public or street lighting shall be considered as an element of value in fixing the compensation to be paid for such gas works or electric works.

Repeals, etc.

SECTION 2. Said original section 2486 is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 415G

[House Bill No. 1053.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1902, and the first quarter of the fiscal year ending February 15, 1903.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1902 and 1903.

SECTION 1. That the following sums, for the purposes herein specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

State Board of Agriculture.

Expenses Ohio State Dairymen's Association...	1,000 00

Ohio State Archaeological and Historical Society.

Expenses of society.....	2,250 00
Publication	2,500 00
Field work, Fort Ancient and Serpent Mound..	3,000 00
For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the Society's annual publications; each member of the seventy-fifth general assembly to be provided with ten copies of each volume, and each member of the seventy fourth general assembly to receive ten copies of volumes 9 and 10, all said books to be delivered under the direction and at the expense of the society.....	6,500 00

Ohio State Horticultural Society.

For use of Ohio state horticultural society.....	1,000 00

Commissioners of Public Printing.

For printing "Howe's Historical Collections of Ohio"	12,000 00	General appropriations for 1902 and 1903.

Fish and Game Commission.

Legal expenses	750 00

Inspector of Mines.

Attorney fees	200 00

Secretary of State.

For repairing plates "Howe's Historical Collections"	200 00

Miscellaneous.

For coöperation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of twenty thousand dollars	20,000 00
To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.	
For glass cases and decorating, repairing and furnishing old supreme court room, for battle flags	3,500 00
For the uses and purposes of the combined normal and industrial department at Wilberforce university	12,000 00
Ohio university, for improvement and repairs, buildings and library	10,000 00
For the use of canal commission for survey and monumenting as provided in reservoir bill passed April 29th, 1902	2,000 00
Maintenance of national woman's relief corps home	6,500 00
Inspection of canals under House Bill No. 426	7,000 00

Legislature.

For salaries and mileage of members, per diem of clerks, sergeants-at-arms and employees.	15,000 00
Part salary second deputy fire marshal	300 00
For the erection of McKinley memorial arch, in accordance with substitute for Senate Joint Resolution No. 34	25,000 00

General appropriations for 1902 and 1903.

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1902, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state, interstate or national associations of state institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the services rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any moneys herein appropriated; and this act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 416G

[Senate Bill No. 52.]

AN ACT

To amend section 1284 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Compensation of public officers:

SECTION 1. That section 1284 of the Revised Statutes of Ohio, as amended April 10, 1900, be amended so as to read as follows:

Salaries of state and other officers.

Sec. 1284. Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; private secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant general, two thousand dollars; assistant adjutant general, fifteen hundred dollars; lieutenant governor, eight hundred dollars; judges of the supreme court and supreme court commission six thousand dollars each; judges of the common pleas courts and of the superior courts, twenty-six hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney general, fifteen hundred dollars; state librarian, fifteen hundred dollars;

assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each three hundred and sixty dollars; physican of same, five hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matrons of same, four hundred dollars; superintendents of hospitals, asylums for the insane and Ohio hospital for epileptics, each two thousand dollars for the first year of service, and, for subsequent years of continuous service, an amount to be ascertained for each year by adding to two thousand dollars the sum of one hundred dollars for each preceding year of continuous service, provided the total amount so ascertained shall not exceed twenty-five hundred dollars for any year, which sum shall be the maximum limit of the total compensation which said superintendents may receive for any and all services rendered in any capacity in or for said hospitals for the insane, provided the annual salaries of superintendents of asylums for the insane and Ohio hospital for epileptics shall continue until the expiration of their present terms, respectively, twelve hundred dollars; stewards of asylums for the insane, and Ohio hospital for epileptics each twelve hundred dollars; matrons of same, each four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girls' industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred dollars; and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eight hundred dollars; and state commissioner of common schools, two thousand dollars.

SECTION 2. That said section 1284, as amended April 10, 1900, be and the same hereby is repealed; and this act shall take effect on its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 417G

[Senate Bill No. 296.]

AN ACT

To further supplement section 2330 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Assessments for sidewalks:

SECTION 1. That section 2330 Revised Statutes be further supplemented by supplementary sections as follows:

Collection of assessments for sidewalk construction.

Sec. 2330*d*. When sidewalks are constructed by a municipal corporation, in accordance with section 2330 Revised Statutes, and the cost, or any part thereof is assessed against the abutting property such assessment shall be payable in cash or in two or more, but not exceeding five installments, with interest and penalty as other assessments for street improvements, and may, in like manner, be certified to the county auditor, to be placed upon the tax duplicate for collection as other taxes. In anticipation of the collection of said assessments, bonds, of the municipal corporation may be issued as in the case of other assessments for street improvements. In the passage of the resolution provided for in section 2329 Revised Statutes and in all the subsequent procedure necessary to secure the construction of sidewalks and collect the assessment therefor, sidewalks, although abutting upon separate lots or tracts of land and upon different streets, and chargeable to different owners, may be provided for in the same resolution, notice, contract and ordinance or other step in the procedure therefor.

Bonds in anticipation thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 418G

[House Bill No. 982.]

AN ACT

To change the name of "The Evangelical Lutheran Synod of Ohio and other states," a body incorporated under the laws of the state of Ohio, by an act passed March 23, 1849, and as amended April 22, 1849, and February 17, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Evangelical Lutheran Synod of Ohio and other states; name changed.

SECTION 1. That the name of "The Evangelical Lutheran Synod of Ohio and other states" be and the same is hereby changed to read as follows: "The Evangelical Lutheran Joint Synod of Ohio and other states."

SECTION 2. That such change shall in no wise affect the privileges and liabilities of said body corporate.

SECTION 3. This act shall take effect and be in force from and after the date of its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 419G

[House Bill No. 923.]

AN ACT

For the payment of certain claims which have been allowed by the board of public works of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for payment of certain claims allowed by board of public works.

SECTION 1. That there is hereby appropriated from any money in the treasury of the state of Ohio to the credit of the general revenue fund and not otherwise appropriated, the sum of two hundred and forty-eight dollars and fifty cents ($248.50) for the payment of the following claims to the following named claimants, to-wit: Henry Stang, sixty-three ($63.00) dollars; Joseph Neiderkorn, seventy dollars and fifty cents ($70.50); Thomas Neiburg, twenty-two dollars and fifty cents ($22.50); Martin Lehman, sixty-seven dollars and fifty cents ($67.50); August Wise, fifteen dollars ($15.00); and Kleinhenz & Vocke, ten dollars ($10.00); said claims having been allowed by the board of public works of Ohio on the 29th day of March, 1892, for damages sustained by said claimants by overflow on Loramie creek caused by a break in the Loramie reservoir embankment; and the auditor of state is hereby authorized to draw his warrant on the treasurer of state for said sums in favor of said claimants.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 421G

[House Bill No. 578.]

AN ACT

To amend sections 1145 and 1157 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County recorder.

SECTION 1. That sections 1145 and 1157 of the Revised Statutes of Ohio be amended so as to read as follows:

How record shall be made.

Sec. 1145. The recorder shall record in a fair and legible handwriting, typewriting or printing in the proper record all such deeds, mortgages, or other instruments of writing required by law to be recorded, and which are presented to him for that purpose, and they shall be recorded in regular succession according to the priority of presentation, as aforesaid, entering the file number at the beginning of such record, and at the foot of the record of each instrument he shall record the date and precise time of day when the same was presented for record.

Fees.

Sec. 1157. The recorder in counties which, by the last preceding federal census had a population less than thirty-five thousand, shall receive the following fees: For recording a mortgage, deed of conveyance, power of attorney, or other instrument of writing, twelve cents for every hundred words actually written, typewritten or printed, on the records, and ten cents for indexing the same, to be paid on the presentation of such instruments for record; for certifying copy from record, twelve cents for every hundred words; for recording assignment or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, fifteen cents; for recording any plat not exceeding six lines, one dollar, and for each additional line, five cents. The recorder in counties which, by the last preceding federal census had a population of thirty-five thousand or more, shall receive the following fees: For recording a mortgage, deed of conveyance, power of attorney, or other instrument of writing, ten cents for every hundred words actually written, typewritten or printed, on the records, and ten cents for each index of the same, to be paid on the presentation of such instruments for record; for certifying copy from the record, ten cents for every hundred words; for recording assignment, or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, ten cents; for recording any plat not exceeding six lines, one dollar, and for each additional line, five cents.

Repeals, etc.

SECTION 2. Said original sections 1145, and 1157 of the Revised Statutes of Ohio are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 421G

[House Bill No. 991.]

AN ACT

To amend section 3631-13 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3631-13 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 3631-13. Any association operating within the description as set forth in section 3631-11 of the Revised Statutes of Ohio, organized under the laws of any other state, province or territory, and not now doing business in this state, shall be admitted to do business within this state when it shall have filed with the superintendent of insurance a duly certified copy of its charter and articles of association and a copy of its constitution or laws, certified to by its secretary or corresponding officer, together with an appointment of the superintendent of insurance of this state, as the person upon whom process may be served as hereinafter provided; and provided that such association shall be shown by certificate to be authorized to do business in the state, province or territory in which it is incorporated or organized in case the laws of such state, province or territory shall provide for such authorization and in case the laws of such state, province or territory do not provide for any formal authorization, to do business on the part of any association, then such association shall be shown to be conducting its business in accordance with the provisions of this act, for which purpose the superintendent of insurance of this state may personally, or by some person to be designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments of such association at its home office, which examination shall be made within thirty days after demand therefor, and the expense of such examination and of all examinations of associations of this or any other state shall be paid by the state treasurer on the warrant of the state auditor upon the certificate of the superintendent of insurance; provided, that the expenses of any examination made upon the demand of an association shall be paid by it; and provided, also, that, when the laws of any other state or district require or permit examinations of associations of this state to be made by the insurance department or any other authority of such state or district at the expense of such association, then the expense of all examinations made by the insurance department of this state of associations of such other state or district shall be charged to and collected from such associations.

Conditions upon which foreign associations admitted to do business in state.

SECTION 2. That said original section 3631-13 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 422G

[House Bill No. 367.]

AN ACT

To amend section 6343 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio.

Insolvent debtors:

SECTION 1. That section 6343 of the Revised Statutes of Ohio be amended so as to read as follows:

Sales, conveyances, transfers, mortgages, assignments, etc., in contemplation of insolvency to inure to benefit of creditors.

Sec. 6343. Every sale, conveyance, transfer, mortgage or assignment, made in trust or otherwise by a debtor or debtors, and every judgment suffered by him or them against himself or themselves in contemplation of insolvency, and with a design to prefer one or more creditors to the exclusion in whole or in part of others, and every sale, conveyance, transfer, mortgage or assignment made, or judgment procured by him or them to be rendered, in any manner, with intent to hinder, delay or defraud creditors, shall be declared void as to creditors of such debtor or debtors at the suit of any creditor or creditors as hereinafter provided, and shall operate as an assignment and transfer of all the property and effects of such debtor or debtors, and shall inure to the equal benefit of such creditor or creditors in proportion to the amount of their respective demands, including those which are unmatured. Provided, however, that the provisions of this section shall not apply unless the person or persons to whom such sale, conveyance, transfer, mortgage or assignment be made, knew of such fraudulent intent on the part of such debtor or debtors, and provided further, that nothing in this section contained, shall vitiate or affect any mortgage made in good faith to secure any debt or liability created simultaneously with such mortgage, if such mortgage be filed for record in the county wherein the property is situated, or as otherwise provided by law, within three (3) days after its execution, and where, upon foreclosure or taking possession of such property, the mortgagee fully accounts for the proceeds of such property.

Exception.

Mortgage made in good faith or liability created simultaneously not affected.

Repeals, etc.

SECTION 2. That said original section 6343 of the Revised Statutes of Ohio be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 423G

[House Bill No. 571.]

AN ACT

To amend section 3231-1 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Liens:

SECTION 1. That section 3231-1 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3231-1. Any person who shall have performed common or mechanical labor upon, or furnished supplies to any railroad, street railroad, or railroad operated wholly or in part by electric motor power, turnpike, plank road, canal or on any public structure being erected, or on any abutment, pier, culvert or foundation for same, or for any side track, embankment, excavation, or any public work, protection, ballasting, delivering or placing ties, or track-laying, whether the labor is performed for, or the supplies or material is furnished to any company, corporation, contractor, or subcontractor, construction company, or any individual, shall have a first immediate and absolute lien on the whole of the property on which said work is done, and to which said supplies have been contributed, and on any fund arising from the sale thereof or any part thereof under an order of any court, and shall hold the railroad, street railroad or railroad operated wholly or in part by electric motor power, canal, turnpike, plank road, or structure, to the creation or construction of which the said labor or supplies has been contributed, or so much thereof as may have been in whole or in part created by said labor or supplies, to the exclusion of any such railroads, canal, turnpike, plank road, public work or structure, as to operation, occupation or use, until the claim for such labor or supplies is properly adjusted and paid in full. This act shall apply to all work now being constructed, or material now being furnished, and to all work hereafter constructed and material hereafter furnished.

Lien upon railroad, etc., for labor or material furnished.

SECTION 2. That said original section 3231-1 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force on and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 424G

[Senate Bill No. 266.]

AN ACT

To amend and supplement sections 3897*b*, 3897*c*, 3897*d*, 3897*e*, 3897*f*, 3897*g*, 3897*h*, and 3897*i* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3897*b*, 3897*d* and 3897*h* of the Revised Statutes of Ohio, as amended April 16, 1900, and section 3897*i* of the Revised Statutes as enacted April 16, 1900, and sections 3897*c*, 3897*e*, 3897*f* and 3897*g*, as passed April 14, 1896, be amended so as to read as follows:

School-teachers' pension.

Trustees of School-teachers' pension fund; number, election and term.

Sec. 3897*b*. Whenever the board of education of any school district shall declare by resolution, adopted by a majority vote of the members of said board, that it is advisable to create a school-teachers' pension fund for such school district, said school-teachers' pension fund shall be under the charge, management and control of a board to be known as the board of trustees of the of the school-teachers' [pension fund for such school] district, which board shall be composed of not less than three, nor more than seven members, as said board of education shall by resolution declare; if composed of less than five members, one of the members of said board of trustees of the school-teachers' pension fund of such school district shall be elected by the board of education of such school district, and the remaining members by the teachers of the public schools, including the teachers of any high schools, of such district, who have accepted the provisions of this act, as hereinafter provided; if such board is to be composed of five or more members, two of the members of said board of trustees of said school district shall be elected by the board of education of such school district, and the remaining members by the teachers of the public schools, including the teachers of any high schools of such school district, who have accepted the provisions of this act, as herein provided; such election of the members of said board by the teachers to be at a meeting called by the superintendent of schools of such school district, the first election to be at a meeting to be called by such superintendent when one-third of the teachers of the public schools of such school district shall have accepted the provisions of this act; the members of said board of trustees of the school-teachers' pension fund shall be elected for such length of time as the board of education of such school district shall by resolution declare, to serve not less than one, nor more than three, years, and shall serve until their successors are elected and qualified, such service to be without compensation.

How fund created and invested.

Sec. 3897*c*. Whenever the board of education of any school district shall have declared the advisability of creating a school-teachers' pension fund, as herein provided, the clerk of said board of education shall notify each and every teacher in the public schools and high schools, if any, of said school district, by notice in writing of the passage of such resolution, and require said teachers to notify said board of education in writing within thirty days from the date of said notice whether they consent or decline to accept the provisions of this act; and from and after the election of the board of trustees herein provided for, the sum of two dollars ($2) shall be deducted by the proper officers from the monthly salary of each teacher who may have accepted the provisions of this act, and from the salary of such new teachers as may hereafter accept the same, as herein provided, said sum to be paid into and applied to the credit of said school-teachers' pension fund.

and shall continue to so deduct said sum during the remainder of the term of service of said teacher. All teachers hereafter appointed in said public schools, or high schools, if any, in said school district, shall be notified within thirty days after their appointment by the clerk of such board of education of the election of said board of trustees of said school-teachers' pension fund, and they shall be required to notify said board of education within six months thereafter whether they consent or decline to accept the provisions of this act. All moneys received from donations, legacies, gifts, bequests or from any other source shall also be paid into said fund, or into a permanent fund, and if paid into a permanent fund, the interest only of said fund shall be applied to the payment of pensions.

Said board of trustees shall have power to invest said pension fund in the name of said board in bonds of the United States, or of the state of Ohio, or of any county in this state, or of any municipal corporation in this state, or of any school district in this state; and said board shall have power to make payments from said pension fund for pensions granted in pursuance of this act. Said board of trustees shall also have power from time to time to make and establish such rules and regulations for the administration of said pension fund as they shall deem best.

Retirement and pension of teachers.

Sec. 3897*d*. Said board of education of said school district, and any union board, or other separate board, if any, having the control and management of the high schools of said school district, shall each of them have power by a majority vote of all the members composing said board to retire on account of physical or mental disability, any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after, the passage of this act; provided, however, that three-fifths of said period of service shall have been rendered by said beneficiary in the public schools or high schools of said school district, or in the public schools or high schools of the county in which said school district is located, and the remaining two-fifths of said period of service in the public schools of this state or elsewhere.

Meaning of term "teacher."

"The term 'teacher' under this act, shall include all teachers regularly employed by either of said boards in the day schools, including the superintendent of schools, all superintendents of instruction, principals, and special teachers, and in the estimation of years of service, only service in public day schools or day high schools, supported in whole or in part by public taxation, shall be considered. Any teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after, the passage of this act; provided that three-fifths of said term of service shall have been rendered in the public schools or in the high schools of said school district, or in the public schools or

high schools of the county in which said district is located, and the remaining two-fifths of said term of service in the public schools of this state or elsewhere. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension, annually, the sum of ten dollars ($10) for each and every year of service rendered as teacher, but in no event shall such pension paid to any teacher exceed the sum of five hundred dollars ($500) in any one year, and said pensions shall be paid monthly during the school year; but in no event shall such pension be paid to any teacher until such teacher shall contribute, or shall have contributed, to said fund a sum equal to twenty dollars ($20) a year for each and every year of service rendered as teacher, but in no event shall this sum exceed six hundred dollars ($600); but should any teacher retiring be unable to pay the full amount of this sum before receiving a pension, the board of trustees shall, in paying the annual pension to such retiring teacher withhold on each month's payment twenty per cent. thereof, until the full amount as above provided shall have been thus contributed to the fund; provided further, that if said pension fund shall at any time be insufficient to meet the pensions so provided for, that during the period that such fund is insufficient to make such payment, the amount in said fund during said period shall be pro-rated between the parties entitled thereto.

Amount of pension.

Who not entitled to pension.

How, when fund insufficient to pay pensions.

Use of principal and income.

Sec. 3897*e*. Said board of trustees shall have the power to use both the principal and income of said fund for the payment of the premiums herein provided for, and the expense thereof. No portion of said pension fund shall, before its distribution and payment by said board of trustees to the beneficiaries, be liable to be taken or subjected by any writ or legal process against the beneficiary.

Monthly certifications of deductions from salaries.

Sec. 3897*f*. The clerk of the board of education of said school district, and the clerk of the union board of high schools, or other separate board having the control and management of the high schools of said school district, if any, shall each of them certify monthly to said board of trustees all amounts deducted from the salaries of the teachers as aforesaid, which amounts, as well as all other moneys contributed to said fund, shall be set apart as a special fund for the purposes herein specified, subject to the order of said board of trustees. All moneys belonging to said fund shall be paid only on the order of said board of trustees, entered upon its minutes on warrants signed by the president and secretary of said board.

Who custodian of fund.

Sec. 3897*g*. The treasurer of said school district shall be the custodian of said pension fund, and shall keep the same subject to the order, control and direction of said board of trustees. He shall keep books of accounts concerning said fund in such manner as may be prescribed by said board, which books of account shall always be subject to the inspection of said board of trustees or of any member thereof. Said treasurer shall execute a bond

to said board of trustees with good and sufficient sureties in such sum as said board of trustees shall require, which bond shall be subject to the approval of said board and be conditioned for the faithful performance of his duties as custodian of said board and treasurer of said board. He shall always keep and truly account for all moneys and profits coming into his hands as such treasurer belonging to such fund, and at the expiration of his term of office shall pay over, surrender and deliver to his successor all securities, moneys and other property of whatsoever kind, nature and description which may be in his hands or under his control as treasurer aforesaid. Said treasurer shall be paid for his services under this act as compensation not to exceed one per cent. annually of the amount paid into said fund during the year.

Rebate in case of resignation or removal.

Sec. 3897*h*. Any teacher who shall resign or be removed for cause, as aforesaid, shall, upon application within three (3) months after such resignation or removal takes effect, be entitled to receive one-half of the total amount paid by such teacher into such fund.

Heirs, legatees or assigns of deceased teacher entitled to half amount paid.

In case of the death of any teacher, the heirs, legatees or assigns of the deceased teacher shall be entitled to receive one-half of the total amount paid by such teacher into such fund upon application therefor, with proof of claim to the satisfaction of the board of trustees.

Rules and regulations.

Sec. 3897*i*. The board of trustees shall make such rules and regulations as it may deem expedient or necessary for its government; which rules and regulations must be adopted, and when adopted, may be amended, by a vote of not less than two-thirds of all the members of said board of trustees.

SECTION 2. That section 3897 of the Revised Statutes of Ohio, as amended and supplemented April 14th, 1896, and as further amended and supplemented April 16th, 1900, be further supplemented as follows:

Transfer of fund now existing to trustees herein created.

Sec. 3897*j*. Upon the election and organization of a board of pension trustees under this act in any school district of this state, any school-teachers' pension fund heretofore created for said district under any former act, shall be transferred to the board of trustees created under this act by the board or persons having control thereof; and all beneficiaries now receiving pensions from the fund transferred as aforesaid, shall continue to receive pensions under this act.

Repeals.

SECTION 3. That sections 3897*b*, 3897*d* and 3897*h* of the Revised Statutes of Ohio, as amended April 16th, 1900, and section 3897*i* of the Revised Statutes as enacted April 16th, 1900, and sections 3897*c*, 3897*e*, 3897*f* and 3897*g*, as passed April 14th, 1896, be, and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 425G

[House Bill No. 998.]

AN ACT

To amend sections 3836-18 and 3836-22 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Building and loan associations:

SECTION 1. That sections 3836-18 and 3836-22 of the Revised Statutes of Ohio be amended so as to read as follows:

When examination to be made.

Sec. 3836-18. The inspector, when he has reason to suspect the correctness of any statement of an association doing business in this state, or that its affairs are in an unsound condition, or that it is not conducting its business in accordance with law, may make or cause to be made by some person by him appointed for that purpose, an examination into the affairs of such association. The expense of all examinations provided for herein shall be paid by the state of Ohio; provided, that when, by the laws of any other state, district, territory or nation, examinations of such associations of this state are required or permitted to be made by any official or other authority of such other state, district, territory or nation, at the expense of such associations, then the expenses of all such examinations made by the inspector of this state, of such association of such state, district, territory or nation, shall be respectively charged to and collected from such associations so examined.

Expense thereof; how paid.

Revocation of charter for illegal practices.

Should the inspector, upon examination, find any domestic association conducting its business in whole or in part contrary to law, or failing to comply with the law, he shall so notify the board of directors of such association in writing, and if, after thirty days, such illegal practices or failure continue, he shall communicate the facts to the attorney general, who shall cause proceedings to be instituted in the proper court to revoke the charter of such association.

Dissolution if condition unsound.

Should the inspector find, upon examination, that the affairs of any such association are in an unsound condition, and that the interests of the public demand the dissolution of such association, and the winding up of its business, he shall so report to the attorney general, who shall institute the proper proceedings for that purpose.

Sec. 3836-22. Foreign building and loan associations shall pay to the inspector the following fees, to-wit: For filing each application for admission to do business in this state, one hundred dollars. For each certificate of authority and annual renewal of same, fifty dollars; both foreign and domestic associations shall pay to the inspector for filing each annual statement, as follows: If the assets of the association, as shown by the statement filed, amount to $50,000.00 or less, $3.00; if more than $50,000.00 and less than $100,000.00, $5.00; if more than $100,000.00 and less than $250,000.00, $10.00; if more than $250,000.00 and less than $500,000.00, $20.00; if more than $500,000.00 and less than $1,000,000.00, $30.00; if more than $1,000,000.00, $50.00. For each copy of a paper filed in his office, twenty-five cents per folio. For affixing the seal of office and certifying any paper, one dollar. The fees provided for herein shall be deposited, by said inspector, with the state treasurer upon the warrant of the state auditor.

Fees to be paid to inspector.

Disposition thereof.

SECTION 2. That sections 3836-18 and 3836-22 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 426G

[House Bill No. 663.]

AN ACT

To amend sections 4022-1 to 4022-14 inclusive and to repeal sections 4025, 4027, and 4029 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4022-1 to 4022-14 inclusive of the Revised Statutes of Ohio be amended so as to read as follows:

Compulsory education:

Sec. 4022-1. All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-four weeks, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city or other districts hav-

In what branches children must be taught.

Necessary time of attendance.

Excuse.

ing such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, or by the principal of the private or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of education in special, village and township districts not having such superintendent, to teach the branches named in this section. In case such superintendent, principal or clerk refuse to excuse a child from attendance at school, an appeal may be taken from such decision to the probate judge of the county, upon the giving of a bond, within ten days after such refusal, to the approval of said judge, to pay all the cost of the appeal, and the decision of the probate judge in the matter shall be final. All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for [the] reasons above named. Any parent, guardian, or other person, having care of a child between the ages of eight and fourteen years, who shall, in violation of the provisions of this section, fail to place such child in school at the commencement of the annual school term within the time prescribed in this section, shall upon conviction, be fined not less than five dollars nor more than twenty dollars. And upon the failure or refusal of any such parent, guardian, or other person to pay said fine, then said parent, guardian, or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Appeal in case of refusal to excuse.

Penalty for failure to place child in school as herein provided.

Employment of children under age of fourteen years; when unlawful; penalty.

Sec. 4022-2. No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation, during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 4022-1 of the Revised Statutes of Ohio; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the state commissioner of common schools and the same furnished, in blank, by the clerk of the board of education. Every person, company or corporation employing any child under sixteen years of age, shall exact the age and school-

ing certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Attendance of minors in certain cases.

Sec. 4022-3. All minors over the age of fourteen and under the age of sixteen years, who cannot read and write the English language shall be required to attend school as provided in section 4022-1 of the Revised Statutes of Ohio and all the provisions of said section shall apply to said minors; provided, that such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools, in districts having superintendents or the clerk of the board of education in districts not having superintendents, that they can read and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided for. Every person, company or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Employment of such minors; penalty.

Juvenile disorderly persons.

Sec. 4022-4. Every child between the ages of eight and fourteen years, and every child between the ages of fourteen and sixteen years unable to read and write the English language, or not engaged in some regular employment, who is an habitual truant from school, or who absents itself habitually from school, or who, while in attendance at any public, private or parochial school, is incorrigible, vicious or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act.

Truant officers; powers and duties.

Sec. 4022-5. To aid in the enforcement of this act, truant officers shall be appointed and employed as follows: In city districts the board of education shall appoint and employ one or more truant officers; in special, village and township districts the board of education shall appoint a constable or other person as truant officer. The compensation of the truant officer shall be fixed and paid by the board appointing him. The truant officer shall be vested with police powers, the authority to serve warrants, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act; he is also authorized to take into custody the person of any youth between eight and fourteen years of age, or between fourteen and sixteen years of age when not regularly employed or when unable to read and write the English language, who is not at-

tending school, and shall conduct said youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation violating any provisions of this act, and shall otherwise discharge the duties described in this act, and perform such other services as the superintendent of schools or the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of education: and he shall make daily reports to the superintendent of schools during the school term in districts having superintendents, and to the clerk of the board of education in districts not having superintendents, as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Report of principal and teachers.

Sec. 4022-6. It shall be the duty of all principals and teachers of all schools, public, private and parochial, to report to the clerk of the board of education of the city, special, village or township district in which the schools are situated, the names, ages and residences of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this act, and the clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive of each year. It shall be the further duty of such principals and teachers to report to the truant officer, the superintendent of public schools, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools as soon after these offenses have been committed as practicable.

Proceedings in case of truancy; penalties.

Sec. 4022-7. On the request of the superintendent of schools or the board of education, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen and sixteen years who cannot read and write the English language or who is not regularly employed, is not attending school, in violation of the provisions of this act, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian or other person in charge of the child, so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child.

in any court of competent jurisdiction in the city, special, village or township district in which the offense occurs, for such failure, and upon conviction, the parent, guardian or other person in charge, shall be fined not less than five dollars nor more than twenty dollars, or the court may in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with sureties to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days, thereafter and to remain at such school during the term prescribed by law; and upon the failure or refusal of any such parent, guardian or other person to pay said fine and costs or furnish said bond according to the order of the court, then said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Proceedings against juvenile disorderly persons.

Sec. 4022-8. If the parent, guardian or other person in charge of any child shall, upon the complaint under the last section for a failure to cause the child to attend a recognized school, prove inability to do so, then he or she shall be discharged, and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of section 4022-4 of the Revised Statutes of Ohio. If such complaint be made before any mayor, justice of the peace, or police judge, it shall be certified by such magistrate to the probate judge. The probate judge shall hear such complaint, and if he determine that the child is a juvenile disorderly person within the meaning of section 4022-4 of the Revised Statutes of Ohio he shall commit the child if under ten years of age, and eligible for admission thereto, to a children's home, or if not eligible, then to a house of refuge if there be one in the county or to the boys' industrial school or the girls' industrial home, or to some other juvenile reformatory. No child over ten years of age shall be committed to a county children's home, and any child committed to a children's home, may on request of the trustees of such home and it being shown that it is vicious and incorrigible, be transferred by the probate judge to the boys' industrial school or the girls' industrial home. A child committed to any juvenile reformatory under this section, shall not be detained there beyond the age of sixteen years and may be discharged sooner by the trustees under the restrictions applicable to other inmates. Any order of commitment to a juvenile reformatory may be suspended, in the discretion of the probate judge, for such time as the child may regularly attend school and properly conduct itself. The expense incurred in the transportation of a child to a juvenile reformatory and the costs in the case in which the order of commitment is made, or the child discharged, or in which judgment is suspended, shall be paid by the county where the offense was committed, after the manner provided in section 759 of the Revised Statutes of Ohio. Provided, further, that if for

any cause the parent, guardian or other person in charge of any juvenile disorderly person as defined in section 4022-1 of the Revised Statutes of Ohio shall fail to cause such juvenile disorderly person to attend school, then complaint against such juvenile disorderly person shall be made, heard and determined in like manner as provided in case the parent proves inability to cause such juvenile disorderly person to attend school.

Relief to enable child to attend school required time.

Sec. 4022-9. When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child, or its parents or guardian, refuse or neglect to take advantage of the provisions thus made for its instruction, such child may be committed to a children's home or a juvenile reformatory, as provided for in section 4022-8 of the Revised Statutes of Ohio. In all cases where relief is necessary it shall be the duty of the board of education to furnish text books free of charge and said board may furnish any further relief it may deem necessary, the expenses incident to furnishing said books and relief to be paid from the contingent funds of the school district.

As to institution for deaf and dumb or institution for the blind.

Sec. 4022-10. The provisions of this act shall apply to children entitled under existing statutes, to attend school at the institution for the deaf and dumb or the institution for the blind, so far as the same are properly enforcible. Truant officers shall, within sixty days after the passage of this act, and annually between the first day of July and the first day of August, report to the probate judge of their respective counties the names, ages and residence of all such children between the ages of eight and eighteen years with the names and postoffice address of their parents, guardians or the persons in charge of them; also a statement whether the parents, guardians or person in charge of each child is able to educate and is educating the child, or whether the interests of the child will be promoted by sending it to one of the state institutions mentioned. Upon information thus or otherwise obtained, the probate judge may fix a time when he will hear the question whether any such child shall be required to be sent for instruction to one of the state institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer or some other suitable person, to bring the child before such judge at his office at the time fixed for the hearing; and shall also issue

an order on the parents, guardian or person in charge of the child to appear before him at such hearing, a copy of which order, in writing, shall be served personally on the proper person by the truant officer or other person ordered to bring the child before the judge. If, on the hearing, the probate judge is satisfied that the child is not being properly educated at home, and will be benefited by attendance at one of the state institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing, and the transportation of the child to such institution shall be paid by the county after the manner provided, where a child is committed to a state reformatory under section 4022-8 of the Revised Statutes of Ohio; provided nothing in this section contained shall be construed to require the trustees of either of the state institutions mentioned, to receive any child not a suitable subject to be received and instructed therein, under the laws, rules and regulations governing such institutions.

Penalties.

Sec. 4022-11. Any officer, principal, teacher or other person mentioned in this act, neglecting to perform any duty imposed upon him by this act, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense. Any officer or agent of any corporation violating any provision of this act, who participates or acquiesces in or is cognizant of such violation, shall be fined not less than twenty-five dollars nor more than fifty dollars. Any person who violates any provision of this act for which a penalty is not elsewhere in this act provided, shall be fined not more than fifty dollars. Mayors, justices of the peace, police judges, and probate judges shall have jurisdiction to try the offenses described in this act, and their judgment shall be final. When complaint is made, information filed, or indictment found against any corporation for violating this act, summons shall be served, appearance made, or plea entered, as provided in section 7231, Revised Statutes of Ohio, except that in complaints before magistrates, service shall be made by the constable. In all other cases process shall be served, and proceedings had, as in cases of misdemeanor. In every case of complaint against a child involving commitment to any children's home or juvenile reformatory, the board of county visitors shall be notified and must attend and protect the interest of the child on the hearing, as provided in section 633-18 of the Revised Statutes of Ohio; and the order of commitment of the child to a state reformatory must show that the county visitors were so notified and attended the hearing. All fines collected under the provisions of this act shall be paid into the funds of the school district in which the offense was committed. Boards of education are authorized to employ legal counsel to prosecute any case arising under the provisions of this act when it shall deem the same necessary, and the services of such counsel shall be paid for from the contingent fund of the district.

Jurisdiction.

Violations by corporations.

Disposition of fines collected.

Employment of attorney; compensation.

Repeated violations.

Sec. 4022-12. Every person who, after being once convicted for violating any of the provisions of this act, shall be convicted of again violating any of the provisions of this act, may, in addition to the punishment by way of a fine elsewhere provided for, be imprisoned not less than ten days nor more than thirty days. On complaint, before a mayor, justice of the peace, or police judge of a second violation of this act involving punishment by imprisonment, if a trial by jury be not waived, a jury shall be chosen and the case tried, after the manner provided in section 7185 of the Revised Statutes of Ohio.

Sufficient school accommodations to be provided.

Sec. 4022-13. It is hereby made the duty of every board of education in this state to provide sufficient accommodations in the public schools for all children in their district compelled to attend the public schools under the provisions of this act. Authority to levy the tax and raise the money necessary for such purpose, is hereby given the proper officers charged with such duty under the law.

Costs in prosecutions under this act.

Sec. 4022-14. No person or officer instituting proceedings under this act shall be required to advance, or give security for costs; and if a defendant is acquitted or discharged, or if convicted and committed to jail in default of payment of fine and costs, the justice, mayor, police judge or probate judge, before whom such case was brought shall certify such costs to the county auditor, who shall examine and, if necessary, correct the account, and issue his warrant to the county treasurer in favor of the respective persons to whom such costs are due for the amount due to each.

Repeals, etc.

SECTION 2. That said original sections 4022-1, 4022-2, 4022-3, 4022-4, 4022-5, 4022-6, 4022-7, 4022-8, 4022-9, 4022-10, 4022-11, 4022-12, 4022-13, 4022-14, 4025, 4027 and 4029 of the Revised Statutes of Ohio, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 427G

[House Bill No. 738.]

AN ACT

To amend and supplement section 3235 and to amend section 3263 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations, etc.:

SECTION 1. That sections 3235 and 3263 of the Revised Statutes of Ohio, be amended and section 3235 be supplemented with sectional numbering as follows:

For what purpose corporations may be formed.

Sec. 3235. Corporations may be formed in the manner provided in this chapter for any purpose for which individuals may lawfully associate themselves, except for carrying on professional business; but nothing in this section shall prevent the formation of corporations for the purpose of erecting, owning and conducting sanitoriums for the receiving of and caring for patients and for the medical, surgical and hygienic treatment of the diseases of such patients, and for instruction of nurses in the treatment of diseases and in hygiene; provided, that the articles of incorporation formed for the purpose of buying or selling real estate shall expire by limitation in twenty-five years from the date of being issued by the secretary of state. In case any real estate owned by any such corporation is not sold or disposed of by any such corporation within twenty-four years from the date of their respective articles of incorporation are issued, it shall be forthwith the duty of the board of directors of such corporation to institute action against the corporation and owners of liens upon or against such real estate proposed to be sold, by filing a petition in the court of common pleas in the county where such real estate is situated, praying for a sale of the real estate in the petition described; and should any of such board of directors refuse to direct any officer to institute action as hereinbefore mentioned, and should such action not be instituted within sixty days after the expiration of the twenty-four years hereinbefore mentioned, it shall be the duty of the prosecuting attorney of the county wherein such real estate is situated, upon the expiration of said sixty days, to institute such action. Service of summons upon the defendants, appraisement and sale of such real estate, and distribution of the proceeds of the sale shall be made as provided in actions of foreclosure of mortgages and marshalling liens; provided, however, the court may allow the plaintiff, in case he be the prosecuting attorney, a just and proper attorney fee which shall be taxed with the costs of the action.

Corporations for profit; stock may be common or preferred.

Sec. 3235*a*. If the organization is for profit, it must have a capital stock. Such stock may consist of common and preferred, or of common only, but at no time shall the amount of preferred stock exceed two-thirds of the actual capital paid in in cash or property; and if both common and preferred it may be provided in the articles of incorporation that the holders of the preferred stock shall be entitled to dividends not exceeding eight per cent. per annum, payable quarterly, half yearly, or yearly, out of the surplus profits of the company each year in preference to all other stockholders, and such dividends may be made cumulative. Every corporation issuing both common and preferred stock may create such designations, preferences, and voting powers, or restriction or qualification thereof, as shall be stated and expressed in the certificate of incorporation, and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time and price, to be expressed in stock certificate thereof. In case of the

Provisions in reference to preferred stock.

insolvency of the corporation no holder of preferred stock shall be liable for the debts of the corporation until after the remedy against the common stockholders upon their double liability, as provided by law, shall have been pursued and exhausted, and then only for such amount as remains unpaid; but such liability shall in no event exceed the liability fixed by law for the common stock of such corporation. In case of the insolvency or dissolution of the corporation, the holders of the preferred stock shall be entitled to receive from the assets remaining after paying its debts and liabilities, the full payment of the par value of the stock before anything is paid to the common stock.

May increase stock by preferred stock.

Sec. 3263. Upon the assent in writing of three-fourths in number of the stockholders of any corporation, representing at least three-fourths of its capital stock, the corporation may, to increase its capital stock, issue and dispose of preferred stock, as is authorized in section 3235; and upon any such increase of stock, a certificate shall be filed with the secretary of state, as is provided in the preceding section.

Repeals, etc.

SECTION 2. That said original sections 3235 and 3263 are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 428G

[House Bill No. 475.]

AN ACT

For the relief of Jesse B. Rinehart, former sheriff of Morrow county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Jesse B. Rinehart.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of $415.97, or so much thereof as may be required to pay the claim of Jesse B. Rinehart as costs in the case of the state of Ohio vs. Andrew L. Gano, tried at the February term A. D., 1902, of the court of common pleas within and for Morrow county, Ohio, which shall be paid by the auditor of state on a properly approved itemized cost bill. The auditor of state is hereby directed to issue his warrant on the state treasury in favor of the said Jesse B. Rinehart, former sheriff of Morrow county, Ohio, in settlement of said claim.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 429G

[House Bill No. 1109.]

AN ACT

To interpret an act entitled "An act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition thereof," being House Bill No. 820, passed 6th day of May, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Cession of land to U. S. government; interpretation of act in reference to.

SECTION 1. That the act entitled "An act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition thereof," passed the 6th day of May 1902, shall not be so construed as to have a retroactive operation, or to apply to any land or lands acquired by the United States for any of the purposes mentioned in section 1 of said act, prior to the date of passage thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 430G

[House Bill No. 1059.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1903, and the first quarter of the fiscal year ending February 15, 1904.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1903 and 1904.

SECTION 1. That the following sums, for the purposes herein specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 16, 1903, to-wit:

Adjutant General's Department.

General appropriations for 1903 and 1904.

Salary of adjutant general	$2,000 00
Salary of assistant adjutant general	1,500 00
Salary of chief clerk	1,400 00
Salaries of five clerks	6,000 00
Salary of superintendent of state arsenal	1,400 00
Salary of stenographer	720 00
Transportation of indigent soldiers	250 00
Contingent expenses and inspections	3,000 00

State House and Grounds.

Salary of superintendent of laborers	900 00
Salary of engineer	1,000 00
Salaries of five firemen	3,600 00
Salaries of ten regular laborers	6,260 00
Salaries of two visitors' attendants	1,440 00
Salary of janitor of flag room	720 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of two elevator attendants	1,200 00
Extra labor	1,500 00
Fuel for state house	3,500 00
Care and repair heating apparatus	1,500 00
Material and repairs	1,500 00
Water rent	1,500 00
Flags for state house	100 00
For electric light and power plant for state house, and power for elevators and ventilating fans	30,000 00

And the governor, adjutant general and auditor of state are hereby created a commission to draw plans and receive proposals for building the above plant, and the sum of thirty thousand dollars or as much of the same as is needed is hereby appropriated.

Ohio National Guard.

Pay Ohio national guard	60,000 00
Transportation Ohio national guard	17,500 00
Subsistence Ohio national guard	19,200 00
Fuel, lumber, straw and medical supplies, Ohio national guard	3,000 00
Necessary expenses military companies	19,500 00
Uniforms, overcoats, blankets and equipments	5,000 00
Horse hire, Ohio national guard	3,200 00
Forage for horses, Ohio national guard	775 00
Tents and repairs	800 00
Care military stores and freight on arms	2,500 00
Rent of armories	38,400 00
Improvement state camp ground at Newark	2,500 00
Repair of state arsenal	200 00

Agricultural Experiment Station.

Expenses board of control	500 00	General appropriations for 1903 and 1904.
Bulletin illustration	400 00	
Special work in entomology, botany, chemistry and horticulture	7,000 00	
Sub-stations for field experiment	5,000 00	
General repairs, labor and supplies	7,000 00	
General construction	3,000 00	
Special work in animal industry	1,500 00	
Library equipment and care	500 00	

State Board of Agriculture.

Encouragement of agriculture	16,000 00
Expenses Ohio State Dairymen's Association	1,000 00

Ohio State Archaeological and Historical Society.

Expenses of society	2,500 00
Field work, Fort Ancient and Serpent Mound	2,000 00
Publications	2,000 00
For exhibit of the Ohio State Archaeological and Historical Society at Louisiana Purchase Exposition, including packing, transportation and care of same while there	2,500 00

Attorney General's Department.

Salary of attorney general	1,500 00
Salary of assistant attorney general	1,500 00
Fees on collection	1,500 00
Salary of stenographer and stenographic work	1,200 00
Salary of clerk	900 00
Assistant counsel	6,000 00
Books and furniture	250 00
Contingent expenses	1,200 00

Auditor of State.

Salary of auditor of state	3,000 00
Salary of chief clerk	2,400 00
Salary of railroad and bank clerk	1,950 00
Salary of bookkeeper	1,950 00
Salary of land clerk	1,500 00
Salary of canal and trust fund clerk	1,400 00
Salary of statistician	1,350 00
Salary of corresponding clerk	800 00
Salaries of two excise clerks	2,850 00
Salaries of two transcribing clerks	2,850 00
Salary inspector and examiner of institutions	2,000 00
Salary liquor tax deputy	2,000 00
Salary of clerk	1,000 00
Traveling expenses	2,000 00
Contingent expenses	3,500 00
Collecting excise taxes	1,375 00
Furniture and carpets	250 00
Steel file cases	3,500 00

State Board of Appraisers and Assessors.

General appropriations for the year 1904	Contingent expenses	1,200 00
	Salaries of members	5,000 00

State Board of Arbitration.

For per diem and expenses of members	3,000 00

Board of State Charities.

Salary of secretary	1,800 00
Salary of clerk	900 00
Salary of stenographer	600 00
Salary of janitor	240 00
Expenses of board	900 00
Expenses of secretary	600 00
Contingent expenses	1,460 00

Board of Health.

Expenses of board	17,000 00

Ohio State Horticultural Society.

For use of Ohio State Horticultural society	1,000 00

Board of Pardons.

Expenses of board	800 00
Salaries of members	3,000 00
Salary of secretary	300 00

Board of Public Works.

Salaries of members	2,400 00
Traveling expenses of members	1,800 00
Salaries of two engineers	3,600 00
Salary of secretary	1,500 00
Salary of clerk	700 00
Contingent expenses	600 00

For such purposes, two thousand dollars, or so much as may be collected thereof, from leases and privileges under an act passed April 29, 1902, providing for the control and management of lakes, reservoirs and so forth, dedicated to the public for park and pleasure resort purposes, to be expended under the direction of the board of public works, chief engineer and the Ohio canal commission.

For keeping in repair and for the improvement of the Miami and Erie canal, all of its earnings and balances; of this a sum not to exceed twelve hundred dollars is to be applied to the opening and repair of the Gilead side cut.

For locks between Cincinnati and Dayton.....	5,000 00	General appropriations for 1903 and 1904.
For improvement Miami river dam at Middletown and Mad river dam at Dayton.....	1,500 00	
For strengthening three arch culverts at Franklin, and Hole's stone culvert five miles below Dayton	1,800 00	
For dredging the Miami and Erie canal between Cincinnati and Dayton.....	10,000 00	
For completing permanent improvement on walls of canal in Cincinnati.....	41,700 00	
Provided, however, that any work done under this appropriation must be let by contract to the lowest bidder, after the proper advertisements for bids on same.		
For the northern division of Ohio canal, all of its earnings, and balances, and.....	20,000 00	
For the improvement of the Summit county reservoir, for building a new outlet lock from Long lake into the canal, for new safety wasteway at Long lake, for repairing Tuscarawas river dam and feeder, and for dredging Long lake outlet and reservoir channels	4,500 00	
For repairs and permanent improvements upon the embankment on six mile Walhonding dam	500 00	
For the southern division of the Ohio canal, all of its earnings and balances, and.....	10,000 00	

Canal Commission.

Salaries of members.....	3,000 00	
Expenses of commission.....	6,700 00	

Commissioner of Common Schools.

Salary of commissioner.....	2,000 00	
Salary of chief clerk.....	1,750 00	
Salary of statistical clerk.....	1,500 00	
Salary of corresponding clerk.....	720 00	
Traveling expenses of commissioner.....	750 00	
Contingent expenses	1,200 00	
Per diem and expenses of state board of examiners	750 00	
School book commission.....	250 00	
Salary of clerk.....	600 00	
Boxing and shipping.....	300 00	
Furniture and carpets	50 00	

Commissioners of Public Printing.

Printing paper	30,000 00	

Commissioner of Railroads and Telegraphs.

General appropriations for 1903 and 1904.

Uses and purposes..... 6,215 00

Provided, however, that said sum shall be deducted from the assessment of railroad companies for 1903, due and payable in the state treasury on or before August 1, 1903, pursuant to "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deductions.

For the uses and purposes of the commissioner of railroads and telegraph offices, $15,000.00 or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner.....	3,000 00
Salary of chief clerk.....	2,400 00
Salary of chief inspector.....	1,200 00
Salary of statistician.....	1,200 00
Salary of stenographer.....	1,200 00
Salary of deputy inspector.....	1,200 00

Commissioner of Soldiers' Claims.

Salary of commissioner.....	1,800 00
Salary of clerk.....	900 00
Salary of clerk.....	720 00
Contingent expenses	750 00

Dairy and Food Commissioner.

Salary of commissioner.....	2,000 00
Salaries of two assistant commissioners.....	2,000 00
Expense of commissioner.....	1,400 00
Expenses of two assistant commissioners.....	1,400 00
Salary of one clerk.....	1,200 00
Salaries of two clerks.....	1,440 00
Inspection, analyses and publication.....	25,000 00
Attorney fees	15,000 00
Contingent expenses	1,200 00
One chief inspector for the collection of the liquor tax under the Cain law.....	1,500 00
Five assistant inspectors at $1,200 each.....	6,000 00
Traveling expenses of liquor tax inspectors....	5,000 00
Contingent expenses of liquor tax inspectors...	1,000 00

Examiner of Steam Engineers.

Salary of chief examiner	1,800 00	General appropriations for 1903 and 1904.
Salaries of eight district examiners	9,600 00	
Salary of clerk	1,000 00	
Traveling expenses	7,000 00	
Contingent expenses	2,500 00	

Executive Department.

Salary of governor	8,000 00
Salary of lieutenant governor	800 00
Salary of private secretary	800 00
Salary of executive clerk	1800 00
Salary of commission clerk	1,500 00
Salary of corresponding clerk	1,500 00
Contingent expenses, including newspapers	2,400 00

Fish and Game Commission.

Expenses of commission	11,000 00
State fish hatcheries	4,000 00
Legal expenses	750 00
Maintaining patrol boat	4,500 00

Bureau of Labor Statistics.

Salary of commissioner	2,000 00
Traveling expenses of commissioner	700 00
Salary of chief clerk	1,300 00
Salary of stenographer	900 00
Salary of clerk	720 00
Salary of clerk	720 00
Salary of clerk	600 00
Contingent and traveling expenses	10,000 00
Salaries of five free public employment superintendents	6,000 00
Salaries of five clerks for free public employment offices	3,000 00

Inspector of Mines.

Salary of chief inspector	2,000 00
Salaries of seven district inspectors	8,400 00
Clerk hire	1,500 00
Salary of stenographer	720 00
Traveling expenses chief inspector	600 00
Traveling expenses seven district inspectors	4,200 00
Contingent expenses	1,200 00
Attorney fees	200 00

Inspector of Workshops and Factories.

Salary of chief inspector	2,000 00
Traveling expenses of chief inspector	500 00
Salaries of eleven district and two bakeshop inspectors and additional salary high explosive inspector	13,800 00

General appropriations for 1903 and 1904.

Traveling expenses eleven district and two bakeshop inspectors	6,500 00
Clerk hire	4,560 00
Contingent expenses	1,300 00
Office rent in Cleveland and Cincinnati	300 00
Scientific appliances	100 00
Carpets, furniture and fixtures	500 00

Judiciary.

Salaries of judges	350,000 00

Law Library.

Salary of assistant librarian and bookkeeper	1,700 00
Books and legal publications	2,500 00
Contingent expenses	800 00
Salary of assistant librarian	1,000 00
Salary of messenger	1,000 00
Salary of porter	600 00

Legislature.

For salaries of members of general assembly, to be paid in one installment on or after February 16, 1903	85,800 00
Expenses of legislative committees	1,000 00
For the clerks of the senate and house of representatives twenty-five hundred ($2,500.00) dollars each, which may be paid to them in semi-monthly installments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allowances provided for in sections 41 and 43 of the Revised Statutes	5,000 00
For the payment of the sergeant-at-arms of the house	500 00
For the payment of the sergeant-at-arms of the senate	500 00
To be paid said sergeants-at-arms on approval of the auditor of state, in four equal monthly installments, beginning February 15, 1903.	
Contingent expense of senate clerk	150 00
Contingent expense of house clerk	150 00
Contingent expense for care of both houses	2,000 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house and committee rooms during the year 1903, and for taking care of the bill books and other property of the members, as requested by them, sixteen hundred ($1,600.00) dollars, to be paid to him in semi-monthly in-	

stallments on the warrant of the auditor of state. For employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dollars per day when by him necessarily employed, eight hundred ($800.00) dollars, to be paid to said laborers on the warrant of the auditor of state, twenty-four hundred dollars	2,400 00
For new locks, duplicate keys and repairing desks in house	200 00
For chandeliers and painting house and senate chambers	3,800 00
For removing shelving and repairing and painting and furnishing finance committee room, old law library room, hall, and fire marshal's rooms	1,200 00
The above appropriations to be expended under the direction of the auditor of state and the third assistant sergeant-at-arms of the house.	

State Board of Agriculture.

Expenses of live stock commission	3,000 00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	140,000 00

Prosecution Ohio War Claims Against General Government.

Salary of agent	1,500 00
Expenses of agent	600 00

Secretary of State.

Salary of secretary of state	2,000 00
Salary of state supervisor of elections	1,000 00
Salary of chief clerk	2,400 00
Salary of statistical clerk	1,500 00
Salary of stationery clerk	1,500 00
Salary of assistant statistical clerk	1,350 00
Salary of proof reading clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk	1,350 00
Salary of stenographer	1,350 00
Salary of corporation fee clerk	1,350 00
Salary of assistant corporation fee clerk	1,350 00
Salary of corporation stenographer	1,200 00
Salary of superintendent of book room	1,000 00
Collecting corporation fees	1,000 00

General appropriations for 1903 and 1904.

Stationery	12,000 00
Distribution of books	2,000 00
Contingent expenses	4,000 00
Furniture, carpets and repairs	700 00

Ohio State Library.

Salary of librarian	1,500 00
Salary for secretary state board of library commissioners	500 00
Salary for four library assistants	2,880 00
Repairs and furniture	300 00
Salary of assistant librarian	1,200 00
Salary of stenographer	720 00
Salary of janitor	900 00
Books and papers	2,500 00
Contingent expenses and extra labor	1,800 00
For traveling library	7,200 00
For cataloguing	720 00
Expenses of commission	300 00

Superintendent of Insurance.

Salary of superintendent	3,000 00
Salary of deputy superintendent	2,400 00
Salary of examining clerk	1,500 00
Salary of bookkeeper	1,500 00
Salary of statistical clerk	1,500 00
Salary of corresponding clerk	1,350 00
Salary of license clerk	1,000 00
Salary of mailing clerk	1,000 00
Salaries and expenses of extra clerks	4,900 00
Additional compensation for examining clerk and statistical clerk	600 00
Salary of janitor	600 00
Contingent expenses	2,200 00
Salary of actuary	2,400 00
Salary of first assistant actuary	1,300 00
Salary of second assistant actuary	1,300 00

All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state.

Bureau of Building and Loan Associations.

Salary of inspector	1,000 00
Salary of deputy inspector and supervisor bond investment companies	2,400 00
Salaries of two additional examiners at $1,800 each	3,600 00
Salary of chief clerk	1,200 00
Salary of clerk	1,200 00
Salaries of extra clerks and employes and expenses	3,200 00

Salary of mailing clerk	200	00	General appropriations for 1903 and 1904.
Salary of janitor	300	00	
Contingent expenses	1,000	00	
Salary of statistician	1,350	00	
Salary of examiner	1,800	00	
Salary of examiner	1,800	00	

Supervisor of Public Printing.

State printing	35,000	00
State bindery	45,000	00
Salary of supervisor	2,000	00
Contingent expenses	360	00
For machinery	1,000	00

Supreme Court.

Salary of marshal, who shall perform the duties of librarian and cataloguing	2,500	00
Salary of first deputy marshal	1,200	00
Salaries of two deputy marshals at $1,000 each	2,000	00
Salary of stenographer, first division	1,200	00
Salary of stenographer, second division	1,000	00
Salaries of two porters	1,200	00
Purchase and care of furnishings	250	00
Contingent expenses	1,000	00

Clerk of Supreme Court.

Salary of clerk	1,500	00
Salary of first deputy	1,450	00
Salary of second deputy	1,250	00
Salary of corresponding clerk	1,000	00
Salary of indexing clerk	1,200	00
Contingent expenses	700	00
Salary of janitor	200	00

Reporter of the Supreme Court.

Salary of reporter	1,500	00
Contingent expenses	1,200	00

Treasurer of State.

Salary of treasurer of state	3,000	00
Salary of cashier	2,400	00
Salaries of two bookkeepers	3,300	00
Salaries of two night watchmen	1,800	00
Salary of corresponding clerk	720	00
Contingent expenses	1,500	00
Collecting auditor of state's drafts	2,800	00

Ohio Penitentiary.

Per diem of managers	5,000	00
Current expenses	165,000	00
Salaries of officers	25,000	00

General appropriations for 1903 and 1904.

Salaries of guards	94,500 00
Furniture and carpets	700 00
Manufacture of gas, electricity and improvement of lights	10,000 00
Rewards to discharged convicts	23,000 00
Ordinary repairs and improvements	20,000 00
Religious services and library	1,000 00
Expenses of execution	500 00
Sewerage and water works	800 00

Ohio State Reformatory.

Salaries of managers	3,000 00
Current expenses	50,000 00
Salaries of officers	23,000 00
Salaries of guards and employes	25,000 00
Ordinary repairs and improvements	5,000 00
Furniture and carpets	250 00
Rewards outgoing prisoners	3,500 00
Intellectual, moral and manual instructions, and library	700 00
Lateral wing to building	18,000 00
Completing cell house	18,000 00

Athens State Hospital.

Current expenses	120,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	15,000 00
Paving and grading roads	1,000 00
Furniture and carpets	2,000 00
Improving water supply	1,000 00
For building and furnishing	35,000 00

Cleveland State Hospital.

Current expenses	165,000 00
Salaries of officers and trustees' expenses	7,000 00
Ordinary repairs and improvements	14,000 00
Carpets and furniture	2,000 00
Smoke consumers	1,500 00

Columbus State Hospital.

Current expenses	196,000 00
Salaries of officers and trustees' expenses	7,700 00
Ordinary repairs and improvements, including painting galvanized iron work of whole building	21,000 00
Carpets and furniture	2,000 00
Hospital building for 100 acute cases, including furnishing	40,000 00
Boiler house and new boilers, 250 horse power	12,000 00

Dayton State Hospital.

Current expenses	130,000 00	General appropriations for 1903 and 1904.
Salaries of officers and trustees' expenses	6,000 00	
Ordinary repairs and improvements	15,000 00	
Furniture, carpets, beds and bedding	6,500 00	
Constructing two hospital buildings for 100 people, including furnishing	50,000 00	

Longview Hospital, Carthage, Ohio.

Current expenses, including salaries of officers and expenses of directors, ordinary repairs and improvements and furniture and carpets	175,000 00	

Massillon State Hospital.

Current expenses	160,000 00	
Salaries of officers and trustees' expenses	7,000 00	
Ordinary repairs and improvements	7,000 00	
Tunnel, grading and cement walks	2,000 00	
Constructing three cottages, including furnishing	75,000 00	
For completing infirmary building, including furnishing	25,000 00	
Pipe, pipe coverings, electric wiring and fixtures	3,000 00	
Purchase of land	17,000 00	
Furniture and carpets	1,000 00	

Toledo State Hospital.

Current expenses	214,000 00	
Salaries of officers and trustees' expenses	7,800 00	
Ordinary repairs and improvements	20,000 00	
Carpets and furniture	3,000 00	
Completing women's hospital	20,000 00	
Employes' dining rooms and quarters	10,000 00	
Remodeling four cottages	18,000 00	
Remodeling four disturbed wards	8,000 00	
Additional and rebuilding cottage verandas	2,000 00	
Motors, fans and wiring of conduits	6,000 00	
Remodeling general dining halls	11,000 00	
Repairs and improvements on administration building	5,000 00	

Boys' Industrial School.

Current expenses	75,000 00	
Salaries of officers and teachers and trustees' expenses	40,000 00	
Ordinary repairs and improvements	10,000 00	
Rewards	800 00	
Religious services, lectures and amusements	1,100 00	
Furniture and carpets	400 00	
Furnishing laundry	2,387 00	
One cottage and furnishing	20,000 00	

Girls' Industrial Home.

General appropriations for 1903 and 1904.

Current expenses	20,000
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	18,500
Ordinary repairs and improvements, including construction of roads	4,000
Religious services and amusements	500
Carpets and furniture	600

Institution for the Education of the Blind.

Current expenses	51,000
Salaries of officers and teachers, and trustees' expenses	16,000
Ordinary repairs and improvements	10,000
Oculist and oculist supplies	1,000
Carpets and furniture	1,000
Pianos and school apparatus	1,500
Gymnasium and play rooms	20,000

Institution for the Education of the Deaf and Dumb.

Current expenses	68,000
Salaries of officers and teachers, and trustees' expenses	40,000
Ordinary repairs and improvements	9,000
Furniture and carpets	1,000
Foremen, supplies and industrial pursuits	5,870
Lumber and nails for boxes	1,250
Plumbing and repairs of bath rooms and closets	1,500

Institution for Feeble-Minded Youth.

Current expenses	180,000
Salaries of officers and teachers, and trustees' expenses	19,500
Ordinary repairs and improvements	18,000
For custodial buildings	60,000
Furniture and carpets	5,000
Heating and plumbing new buildings	10,000
Electric light	6,000
New boilers	8,000
Coal house and boiler house	8,000
For improvement of roads through and along farm	5,000

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government, and	70,000
Salaries of officers and trustees' expenses	8,480
Ordinary repairs and improvements	9,000
Furniture, carpets, beds and bedding	1,000
Grading roadways and grounds	500

Soldiers' and Sailors' Orphans' Home.

Current expenses	127,500	00	General appropriations for 1903 and 1904.
Salaries of officers, teachers, trustees' and lady board of visitors' expenses	28,500	00	
Ordinary repairs and improvements	12,000	00	
Industrial pursuits	8,500	00	
Salaries of foremen and instructors	11,500	00	
Net earnings	2,200	00	
Religious services, amusements, library and pictures	1,500	00	
Furniture and carpets	2,000	00	
Support of orphans outside	4,000	00	
For armory and amusement hall	12,000	00	

Ohio Hospital for Epileptics.

Current expenses	140,000	00
Salaries of officers and trustees' expenses	7,800	00
Ordinary repairs and improvements	11,400	00
Carpets and furniture	1,000	00
Road construction	2,000	00
One cottage to accommodate 75 patients, including furnishing	25,000	00
One stone cottage and furnishing	40,000	00
Additional machinery for electrical plant	10,000	00
Employes' dining room, cottage I	500	00

Miscellaneous.

Pension for Mrs. J. P. Brush	96	00
For maintenance of national woman's relief corps' home, at Madison, Ohio	6,000	00
For coöperation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of thirty thousand dollars	30,000	00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

State Fire Marshal.

For salaries of first and second assistants $1,800 each, to be paid from the receipts of the department.

General appropriations for 1903 and 1904.

For the uses and purposes of the combined normal and industrial department at Wilberforce university 10,000 00

Expenses of commission on fees of county officials 1,500 00

Ohio University.

For library building and repairs..... 10,000 00

There is hereby appropriated the sum of three thousand ($3,000.00) dollars, the same to be expended as provided in an act passed April 12, 1889, entitled, "An act to provide for the extension of the geological survey of the state"..... 3,000 00

Bureau of Uniform System of Public Accounting.

To carry out the provisions of the uniform system of public accounting act, the auditor of state is hereby authorized and directed to levy annually upon the various counties not exceeding $14,500.00.

County auditors and county treasurers are directed and required to pay into the state treasury, the money so levied at the time of making their semi-annual settlements, beginning with the August settlement of 1902, which shall be charged ratably to all the county and local funds.

The money so collected be and the same is hereby appropriated, which shall be disbursed by the chief inspector and supervisor, as follows:

Salary of chief inspector and supervisor..... 2,000 00

Salary of three deputy inspectors and supervisors 6,000 00

Salary of clerk..... 1,500 00

Traveling expenses 3,000 00

Contingent expenses 1,500 00

Furniture and carpets..... 500 00

The secretary of state is authorized and required to furnish said bureau with the necessary books, blanks and stationery supplies.

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state, interstate, or national associations of state institutions, shall be paid out of the appropriations made for current ex-

penses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any moneys herein appropriated; and this act shall take effect on its passage.

General appropriations for 1903 and 1904.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 431G

[House Bill No. 1066.]

AN ACT

To appropriate moneys for the adornment of public grounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of any county in which at or prior to the passage of this act the residents thereof have, by popular subscription, raised in cash a sum not less than ten thousand dollars ($10,000.00) for the purpose of erecting a monument to the memory of the late William McKinley, deceased, and which money is now in bank subject to the order of any person or persons for the purpose of erecting such monument, as aforesaid, may, for the purpose of assisting in beautifying any public grounds, and of erecting said monument, appropriate and pay a sum not to exceed five thousand dollars ($5,000.00) out of the general funds of such county, provided, said monument shall be erected upon grounds belonging to said county, and under the control of said commissioners.

County commissioners may appropriate money for assistance in beautifying public grounds and erecting McKinley monument.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 432G

[House Bill No. 976.]

AN ACT

To amend sections 3821*w*, 3821*x* and 3821*y* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Bond investment companies:

SECTION 1. That sections 3821*w*, 3821*x*, and 3821*y* of the Revised Statutes of Ohio be amended so as to read as follows:

Annual statement of companies

Sec. 3821*w*. Every such corporation, partnership and association doing business in this state shall, annually hereafter, and on or before the tenth day of January, file with the supervisor under oath of the president and secretary, or other managing officer in the form by said supervisor required, a statement of its business for the twelve months next preceding the thirty-first day of December. Such abstract thereof as the supervisor may require shall be posted for sixty days in the principal office of such company, partnership or association, and also publish in some newspaper having a general circulation in the county in which the principal office or place of business of such company, partnership or association is situate. And the said supervisor shall verify said report by an examination of the affairs of said company, partnership or association, and he may make quarterly examinations of the affairs of said company, partnership or association, if he deem the same necessary. The expenses of all examinations provided for herein shall be paid by the state of Ohio, provided that when, by the law of any other state, district, territory or nation, examinations of such corporations, partnerships or associations of this state are required or permitted to be made by any officer or other authority of such state, district, territory or nation, at the expense of such corporation, partnership or association, then the expense of all such examinations made by said supervisor of this state, of such corporations, partnerships or associations of such state, district, territory or nation shall be respectively charged to and collected from such corporations, partnerships or associations so examined. If, upon such examination, it shall appear that such company, partnership or association is not carrying on its business in accordance with law, or that its affairs are being improperly managed, the supervisor, after notice to such company, partnership or association of at least ten days, shall institute proceedings in quo warranto against said company, partnership or association in the manner provided by law.

Examination of affairs of company.

How and by whom expenses of examination to be paid.

Deputy inspector of building and loan associations is supervisor of such companies.

Sec. 3821*x*. The acting and deputy inspector of building and loan associations is hereby made ex officio supervisor of bond investment companies. It shall be his duty to see that all the laws of this state relating to such companies, partnerships or associations are faithfully executed, and as compensation for his services as such supervisor he shall receive the sum of six hundred dollars per year.

Sec. 3821*y*. Every such company, partnership or association shall pay to the supervisor the following fees to-wit: For filing each application for admission to do business in this state, one hundred dollars; for each certificate of authority, and annual renewal of same, fifty dollars; for filing each annual statement, twenty-five dollars; for issuing license to each agent, two dollars; for each copy of paper filed in his office, fifty cents per folio; for affixing seal and certifying any paper, one dollar. All fees provided for herein shall be deposited, by said supervisor, with the state treasurer, upon the warrant of the state auditor. License fees. Disposition thereof.

SECTION 2. That said original sections 3821*w*, 3821*x* and 3821*y* of the Revised Statutes of Ohio be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 433G

[House Bill No. 1108.]

AN ACT

To amend section 2114 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2114 of the Revised Statutes of Ohio, as amended May 6th, 1902, be amended so as to read as follows: Board of health:

Sec. 2114. The term of office of the members of the board shall be five years from the date of appointment, and until their successors are appointed and qualified, except that those first appointed shall be classified as follows: One to serve for five years; one for four years; one for three years; one for two years, and one for one year, and thereafter one shall be appointed annually. Provided that in all municipalities now having a board of health, in place of the two members of such board of health whose term of office shall first expire, one shall be appointed for five years; in place of the two members of the board whose term of office shall next expire one shall be appointed for two years, and one for three years, and in place of the two members of the board whose term of office shall thereafter expire one shall be appointed for four years, and one for five years, and thereafter one shall be appointed annually. Term of office of members.

Repeals, etc.

SECTION 2. That said original section 2114 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 434G

[Senate Bill No. 112.]

AN ACT

To provide for the relief of benevolent and charitable hospitals in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners may pay money to charitable hospital association for maintenance and support of indigent poor requiring treatment therein.

SECTION 1. That in any county in the state of Ohio, except in counties containing hospitals supported by public funds in which is operated, by any corporation or association of persons, a hospital organized or incorporated for purely charitable purposes, in which all the indigent poor of the county requiring the same shall receive medical and surgical treatment free of charge, the county commissioners of such counties may in their discretion pay to such hospital association out of the county poor fund a sum not to exceed twenty-five hundred ($2,500) dollars per year, payable on the first day of January and July, in equal payments, for the maintenance and support of such indigent poor so requiring such treatment, and the reimbursement of such organization so operating such hospital. Provided that nothing in this act shall be held to authorize the payment of public funds to any sectarian institution.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 435G

[Senate Bill No. 6.]

AN ACT

To provide for the appointment of a commission to erect a building on the grounds of the Louisiana Purchase Exposition, and to take charge of such building and exhibits that may be placed therein.

Be it enacted by the General Assembly of the State of Ohio

Appointment of commission to erect building on grounds of Louisiana Purchase Exposition.

SECTION 1. That the governor be and is hereby authorized to appoint within thirty days after the passage of this act, a commission of seven residents of the state of Ohio, and one executive commissioner, who shall be ex officio a member of the commission and no more than

four of the commission shall be of the same political party. It shall be the duty of the commission to decide upon plans and specifications for an Ohio building to cost not exceeding thirty-five thousand ($35,000) dollars, to be erected on the grounds of the Louisiana Purchase Exposition, at or near the city of St. Louis, Missouri. After such plans and specifications have been determined upon said commission shall advertise for bids for the erection of such building in accordance with such plans and specifications and shall let the contract for the erection and equipment of such building to the lowest responsible bidder. Members of said commission shall not be entitled to receive any compensation for their services, but shall be entitled to receive their actual expenses for transportation and for subsistence for the time they are necessarily engaged on the business of the commission. Any member of the commission may be removed at any time by the governor. Any vacancy which may occur in the membership of said commission shall be filled by the governor.

Salary and expenses of executive commissioner; his duties.

SECTION 2. The commission herein provided for shall fix the salary of the executive commissioner which shall not exceed twenty-five hundred dollars per annum, and in addition to such salary he shall be allowed his actual and necessary expenses while engaged in the discharge of his official duties under the direction of the commission. The commission shall determine the date upon which the salary of the executive commissioner shall begin and when it shall expire, and said executive commissioner shall be authorized and required to assume and exercise, subject to the supervision of said commission, all such executive powers and functions as may be necessary to secure complete and creditable display of the state at the Louisiana Purchase Exposition of 1903; and, as the executive agent of said commission he shall have personal charge of the solicitation and arrangement of the objects sent under the authority of the state of Ohio to the Louisiana Purchase Exposition of 1903; and after the completion of the building provided for in section one of this act, he shall take charge of the same together with any exhibits that may be placed therein, and he shall be subject to such rules and regulations as the commission may adopt for the proper care and control of said building and exhibits that may be placed therein. The commission shall appoint such employes and assistants as may be necessary for the proper management of said building and exhibits. The executive commissioner shall make a report to the commission monthly.

Sale of building.

SECTION 3. That at the close of such exposition said commission shall advertise for the sale of said building and shall dispose of the same to the highest bidder, and shall turn the proceeds received therefrom into the treasury of the state of Ohio to the credit of the general revenue fund, and shall make an itemized report to the governor of all their expenditures under and by virtue of the provisions of this act, and by him transmitted to the legislature.

Appropriation.

SECTION 4. That there be and is hereby appropriated out of any money in the treasury of the state of Ohio to the credit of the general revenue fund not otherwise appropriated, the sum of fifty thousand ($50,000) dollars which shall be available on and after the passage of this act, and twenty-five thousand ($25,000) dollars which shall be available on and after the fifteenth day of February, 1903, for the erection and equipment of such building and for other expenses provided for in this act; and no money hereby appropriated shall be drawn except on a requisition on the auditor of state, approved by a majority of said commissioners and countersigned by the executive commissioner, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 436G

[House Bill No. 189.]

AN ACT

To amend section 6819 of the Revised Statutes of Ohio

Be it enacted by the General Assembly of the State of Ohio:

Crimes against the person:

SECTION 1. That section 6819 of the Revised Statutes of Ohio be amended so as to read as follows:

Maiming or disfiguring another; penalty.

Sec. 6819. Whoever with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, or whoever with like intent, throws or pours upon or throws at another person any scalding hot water, or whoever with like intent assaults another person, with any dangerous instrument whatever, shall be imprisoned in the penitentiary not more than thirty years nor less than three years, and whoever with like intent throws upon the person of another, oil of vitriol, or other corrosive acid, or caustic substance so as to disfigure the person, may be imprisoned in the penitentiary for life.

Repeals.

SECTION 2. That section 6819 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 437G

[House Bill No. 728.]

AN ACT

To prohibit the delivery or depositing of immoral literature.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any person who shall by himself, his servant or agent, or as the servant or agent of any other person, knowingly leave or place upon the doorstep or premises owned or occupied by another, or who shall deliver or mail to any child under sixteen (16) years of age any printed or written matter, advertising or mentioning therein any drug, nostrum, receipt or method of treatment for venereal diseases of any kind, or which refers directly or indirectly to any method of treatment purporting to restore procreative organs injured by any immoral practices, shall be deemed guilty of a misdemeanor and punished as provided for in section two (2) of this act. Unlawful to deliver or deposit immoral literature.

SECTION 2. Whoever violates the provisions of section one (1) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars ($100) nor less than twenty-five dollars ($25) or imprisoned not exceeding one hundred (100) nor less than thirty (30) days or both, for each and every offence. Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 438G

[Senate Bill No. 292.]

AN ACT

To supplement section 757 of the Revised Statutes of Ohio by a section to be numbered 757*a*.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 757 of the Revised Statutes of Ohio be supplemented as follows: Boys' industrial school:

Record officer; appointment and duties.

Sec. 757*a*. The trustees may employ a competent person to be called the record officer whose duty it shall be to keep a record containing the names and places of residence of all boys who have been inmates of the school and have either been apprenticed by the trustees or discharged from the school as reformed; said officer shall by correspondence and travel observe and learn of the conduct of such boys after leaving the school, and so far as may be he shall keep in communication with such boys and shall assist them to obtain and keep employment, and shall aid them by counsel and encouragement in leading sober and industrious lives; said officer shall, by observation and inquiry, collect social statistics bearing on the home environment of the inmates; and said officer shall seek homes and employment for such inmates of said institution as are entitled to release therefrom but are detained because they are orphans or are homeless. Such officer shall keep a record of his proceedings and submit the same from time to time to said trustees, and his term of employment shall be subject to the discretion of said trustees.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 439G

[House Bill No. 958.]

AN ACT

To punish kidnapping, or threatening to kidnap, or destroy property, for purposes of extortion.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to kidnap or wound a person for purpose of extortion; penalty.

SECTION 1. Whoever wilfully and maliciously abducts or kidnaps another person or wounds or maims such person, for the purpose of extortion from such person or from any one related by blood, marriage or adoption to such person, any money, goods, chattels or other thing of value, shall be imprisoned in the penitentiary not less than three nor more than thirty years.

Unlawful to threaten to do such act; penalty.

SECTION 2. Whoever either verbally or by written or printed communication, maliciously and wilfully threatens to abduct, kidnap, wound maim kill or murder another person, or any one related by blood, marriage or adoption to such other person, with intent thereby to extort any money, goods chattels or other thing of value, shall be imprisoned in the penitentiary not less than three nor more than twenty-five years.

SECTION 3. Whoever either verbally or by written or printed communication, maliciously and wilfully threatens to burn, injure or destroy any building or other property belonging to another person, with intent thereby to extort any money, goods, chattels or thing of value, shall be imprisoned in the penitentiary not less than one nor more than ten years.

Unlawful to threaten to burn or destroy building or other property for purpose of extortion; penalty.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 440G

[House Bill No. 894.]

AN ACT

To amend sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 and to further supplement section 3927 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 of the Revised Statutes of Ohio be amended, and section 3927 be further supplemented to read as follows:

Township and special districts:

SECTION 2. 3927-1. For the purposes of this act the word "centralization" is hereby defined as a system of schools in a township providing for the abolishment of all subdistricts and the conveyance of pupils to one or not to exceed two central schools.

"Centralization" defined.

Sec. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township and if necessary, purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years.

Submission of question of centralization.

When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are

Submission of question of decentralization.

cast against centralization than for it the division into subdistricts, as they existed prior to centralization, shall be thereby reëstablished and at the next regular election for school officers directors and subdirectors shall be elected and a board of education established as provided in sections 3915, 3916 and 3917 of the Revised Statutes of Ohio, provided that the notices required in sections 3917 shall be given by the clerk of the board of education; when said newly elected board shall have been duly organized it shall be the successor of the centralized township board and said centralized board shall be thereby abolished.

Conduct of elections.

Sec. 3927-3. All elections ordered by a board of education in pursuance of section 3927-1 of the Revised Statutes of Ohio shall be held at the usual place or places of holding township elections, at a regular or special election as may be determined by the board and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon: "For centralization — yes." "For centralization — no."

Submission of question of issuing bonds.

Sec. 3927-4. Should the board of education deem it necessary to issue bonds to purchase a site or sites or erect a building or buildings for the purposes of such centralization, then the election shall be conducted as provided in section 3927-2 of the Revised Statutes of Ohio, but in such case the ballots shall have printed thereon: "For levying a tax to purchase ..... site (or sites) and erect ..... building (or buildings) for the centralization of schools at a cost not to exceed $....., yes." "For levying a tax to purchase ..... site (or sites) and erect ..... building (or buildings) for the centralization of schools at a cost not to exceed $....., no." And if more votes are cast in favor of levying said tax for said purpose than against said proposition, at such election, it shall be the duty of the said board of education, and the board of education is authorized to issue bonds and sell the same as provided by law and to levy a special tax to provide for the payment of the same, together with interest thereon; provided said levy shall not in any one year exceed five mills on the dollar valuation and said bonds shall not bear more than six per cent. interest and shall not be sold at less than their face value.

Board of education; election and term.

Sec. 3927-5. In a township district in which proceedings have been had under the preceding sections, and the vote has been favorable for centralization, there shall be an election held on the next succeeding first Monday of April for the election of a board of education consisting of five members elected at large in said township district; one of whom shall serve for three years, two for two years and two for one year; and two members shall be elected annually thereafter for a term of three years, except, every third year but one shall be elected for three years. Said election shall be held at the annual voting place or places

in said township, by the regular election officers and shall be conducted in all respects as provided by law for the election of township officers; provided, there shall be a separate ballot box, poll books and tally sheets, and said election officers shall receive no extra compensation for such services. At such elections all the electors residing in any joint subdistrict, the school of which is controlled by the board of education of said centralized township district, shall be entitled to vote and be eligible to office as members of said board; provided, however, that the school of said joint subdistrict shall be under the management and control of said centralized board and said joint subdistrict shall not be included in said centralization.

Abolishment of prior existing board; its successor.

Sec. 3927-6. Upon the election, qualification and organization of the board of education provided for in section 3927-4 of the Revised Statutes of Ohio the board of education previously existing in said township district shall cease to exist and the same is hereby abolished and the board of education provided for in this act shall be considered the successor of the former township board, with full power to levy taxes on property in joint subdistricts, in the same manner as the previously existing township board of education.

Township treasurer ex officio treasurer of board.

Sec. 3927-7. The treasurer of the township shall be ex officio treasurer of the board of education, provided, that in all other respects the laws governing village boards of education shall govern and control all boards of education organized as provided by this act.

Course of instruction.

Sec. 3927-8. Boards of education in township districts organized as provided for by this act are required to maintain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school, to all pupils living more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway.

Submission of question of detachment of territory from centralized district and attachment to special district.

Sec. 3927-9. Provided that in any township the schools of which have been, or may hereafter be, centralized and which township also contains a special school district, any territory which adjoins such special school district, and which prior to centralization comprised one or more subdistricts, may be taken out of such centralization and added to such special district, whenever a majority of the electors residing in such subdistrict territory shall petition such special district therefor, and a majority of the electors residing in such special district, at a general or special election held therein shall vote in favor thereof. The judges and clerk of said election shall certify the result thereof to the clerk of the board of education in such special district, and said board shall cause the same to be entered upon its record book, and if a majority of the

electors voting at such election vote in favor thereof addition shall be deemed complete, and said board of cation shall cause a correct map of said special d including said added territory to be forthwith certi the county auditor or auditors, in case more than county is affected thereby, to be by him duly entered recorded, and such added territory shall thereupon be subject to all the laws governing the taxation and c of special school districts. Provided further that i special school districts having an enumeration of less two hundred there shall be maintained but one school nothing herein contained shall be construed as prohib different rooms or grades of the same school. The visions of this section shall also apply to special dist and to subdistricts in townships that have not been tralized and the transfer of territory, whether the sa all in one county or in two or more counties can be m in like manner.

Proviso.

Repeals.

SECTION 2. That said original sections 3927-1, 392 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 of Revised Statutes of Ohio be and the same are here repealed.

SECTION 3. This act shall take effect and be in for from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representati
F. B. ARCHER,
President of the Se

Passed May 12, 1902. 441G

[House Bill No. 582.]

AN ACT

To amend section 5083 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohi

Pleadings; general rules:

SECTION 1. That section 5083 of the Revised Statut of Ohio be amended so as to read as follows:

Presumptions of law, etc., need not be pleaded.

Sec. 5083. Neither presumptions of law, nor matte of which judicial notice is taken, need be stated in t pleading; and in any pleading, any statement in one pa thereof may be incorporated into and made part of anoth part thereof by apt words of reference and adoption therei and in like manner, any part of any other pleading, and a copy or exhibit once embodied in or attached to any plea ing, may be referred to and adopted in any subsequ pleading in the same cause.

Repeals.

SECTION 2. That said original section 5083 of t Revised Statutes of Ohio be and the same is hereby repeale

SECTION 3. That this act shall take effect and be in from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 442G

[House Bill No. 879.]

AN ACT

To reimburse the second battalion, naval brigade, O. N. G., for its expense in bringing the U. S. S. "Hawk," loaned by the U. S. government to the state of Ohio, from Norfolk, Va., to Cleveland, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand eight hundred and seventy-six dollars and seven cents ($5,876.07), to be paid to the commanding officer of the second battalion, naval brigade, O. N. G., to reimburse said organization for the expense incurred in bringing the U. S. S. "Hawk," loaned by the U. S. government to the state of Ohio, from the navy yard at Norfolk, Va., to the port of Cleveland, Ohio.

Appropriation for second battalion, naval brigade, O. N. G.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 443G

[House Bill No. 666.]

AN ACT

For the relief of P. P. Maxwell.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated from any money in the treasury of the state of Ohio to the credit of the general revenue fund and not otherwise appropriated, the sum of $944.16 for the relief of P. P. Maxwell, to reimburse him for expenses incurred on account of litigation incident to a lease from the state of Ohio for premises known as the "Great Basin" situate in Franklin, Warren county, Ohio, and the auditor of state is hereby authorized to draw his warrant on the treasurer of state for said sum in favor of said P. P. Maxwell.

Appropriation for P. P. Maxwell.

electors voting at such election vote in favor thereof such addition shall be deemed complete, and said board of education shall cause a correct map of said special district including said added territory to be forthwith certified to the county auditor or auditors, in case more than one county is affected thereby, to be by him duly entered and recorded, and such added territory shall thereupon become subject to all the laws governing the taxation and conduct of special school districts. Provided further that in all special school districts having an enumeration of less than two hundred there shall be maintained but one school, but nothing herein contained shall be construed as prohibiting different rooms or grades of the same school. The provisions of this section shall also apply to special districts and to subdistricts in townships that have not been centralized and the transfer of territory, whether the same is all in one county or in two or more counties can be made in like manner.

Proviso.

Repeals.

SECTION 2. That said original sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 441G

[House Bill No. 582.]

AN ACT

To amend section 5083 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Pleadings; general rules:

SECTION 1. That section 5083 of the Revised Statutes of Ohio be amended so as to read as follows:

Presumptions of law, etc., need not be pleaded.

Sec. 5083. Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in the pleading; and in any pleading, any statement in one part thereof may be incorporated into and made part of another part thereof by apt words of reference and adoption therein; and in like manner, any part of any other pleading, and any copy or exhibit once embodied in or attached to any pleading, may be referred to and adopted in any subsequent pleading in the same cause.

Repeals.

SECTION 2. That said original section 5083 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 442G

[House Bill No. 879.]

AN ACT

To reimburse the second battalion, naval brigade, O. N. G., for its expense in bringing the U. S. S. "Hawk," loaned by the U. S. government to the state of Ohio, from Norfolk, Va., to Cleveland, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for second battalion, naval brigade, O. N. G.

SECTION 1. That there be and is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand eight hundred and seventy-six dollars and seven cents ($5,876.07), to be paid to the commanding officer of the second battalion, naval brigade, O. N. G., to reimburse said organization for the expense incurred in bringing the U. S. S. "Hawk," loaned by the U. S. government to the state of Ohio, from the navy yard at Norfolk, Va., to the port of Cleveland, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 443G

[House Bill No. 666.]

AN ACT

For the relief of P. P. Maxwell.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for P. P. Maxwell.

SECTION 1. That there is hereby appropriated from any money in the treasury of the state of Ohio to the credit of the general revenue fund and not otherwise appropriated, the sum of $944.16 for the relief of P. P. Maxwell, to reimburse him for expenses incurred on account of litigation incident to a lease from the state of Ohio for premises known as the "Great Basin" situate in Franklin, Warren county, Ohio, and the auditor of state is hereby authorized to draw his warrant on the treasurer of state for said sum in favor of said P. P. Maxwell.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 444G

[Senate Bill No. 98.]

AN ACT

To supplement section 1284 of the Revised Statutes of Ohio, and to provide for the payment of actual expenses of judges of the courts of common pleas while holding court in counties other than counties of their residence.

Be it enacted by the General Assembly of the State of Ohio:

Compensation of public officers:

SECTION 1. That the following section be enacted as supplementary to section 1284 of the Revised Statutes of Ohio, with sectional numbering as herein provided:

Compensation for judges of common pleas court for holding court outside county of residence.

Sec. 1284*a*. Each judge of the court of common pleas, receiving no other compensation except such as is provided for in section 1284 of the Revised Statutes, shall, in addition to the salary provided for in said section, receive his actual and necessary expenses, not exceeding one hundred and fifty dollars in any one year, incurred while holding court in a county in which he shall not, at the time, reside, to be paid out of the state treasury upon the warrant of the state auditor, which warrant shall be issued upon the certificate of the clerk of the court of common pleas of the county where such judge holds such court.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 445G

[House Bill No. 1096.]

AN ACT

For the relief of Wittenmeier Brothers.

Preamble:

WHEREAS, On the 15th day of December, 1898, Wittenmeier Brothers, of Columbus, Ohio, were awarded a certain contract by the state building commission of Columbus, Ohio, having under their charge the building of the new state house building in said city, for the execution and

completion of cut stone work to be placed in said building; and

WHEREAS, Said contract provided that in default of completing said contract within the time as provided therein, the said Wittenmeier Brothers should pay the sum of $25.00 per day for each and every day thereafter that said work should remain unfinished; and

WHEREAS, The said Wittenmeier Brothers were delayed in the execution of said work beyond said contract period one year and four months, from October 15, 1899, to February 16, 1901, by reason of the fact that the stone specified could not be obtained sooner than to prevent such delay on account of the failure of one of the quarries which had been counted on to furnish said supply of stone, and for which time the said Wittenmeier Brothers have had deducted from their contract price the sum of three thousand dollars; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Wittenmeier Brothers.

SECTION 1. That there be and is hereby appropriated the sum of three thousand dollars out of the general revenue fund of the state of Ohio for the purpose of payment to the said Wittenmeier Brothers, and the auditor of state of the state of Ohio is hereby required to draw his warrant on the treasurer of state of the state of Ohio for said sum of three thousand dollars, to be in favor of said Wittenmeier Brothers, same to be in full for all amounts due to said Wittenmeier Brothers, from the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 446G

[Senate Bill No. 164.]

AN ACT

To authorize the appointment of a commission to mark the positions occupied by Ohio troops on the battlefield of Antietam, with suitable monuments and to make an appropriation to pay the costs of the same and to pay the personal expenses of the commission.

Preamble:

WHEREAS, Congress, by joint resolution, appropriated the sum of ten thousand dollars for the purpose of locating and purchasing advance positions of troops on the battlefield of Antietam; and

WHEREAS, Under said resolution a commission was appointed by congress for the purpose of making such locations; and

WHEREAS, Said commission requested the governors of the several states of the union to appoint a commission for the purpose of locating the respective positions of the troops of such states in said battle; and

WHEREAS, Governor McKinley, of Ohio, appointed a commission consisting of veterans belonging to the several regiments from Ohio engaged in the battle of Antietam, for the purpose of locating such positions; and

WHEREAS, On the 11th day of December, 1894, said commission consisting of the following persons, 5th O. V. I., S. Coddington; 7th O. V. I., J. B. Molyneaux, William A. Howe and Gustave Schmidt; 8th O. V. I., O. A. Griswold, Joseph Evans, W. N. Ingersoll, Dr. T. J. West and John Finn; 11th O. V. I., T. S. Bransby and Alfred Conklin; 23rd O. V. I., August Hess, Herman Muller.

WHEREAS, It will require about $2,500.00 to pay the incidental expenses, including traveling expenses, stationery and such other items of expense as may occur in making contracts for monuments and supervising their erection; now therefore

Be it enacted by the General Assembly of the State of Ohio:

Appointment of commission to mark position of Ohio troops on battlefield of Antietam.

SECTION 1. That the governor of the state of Ohio be and he hereby is authorized, with the advice and consent of the senate, to appoint a commission of five to contract for, purchase and have erected suitable monuments to mark the position of Ohio troops on the battlefield of Antietam and to mark the place where Commissary Sergeant William McKinley issued rations to his regiment on the evening of that memorable battle, to-wit September 17th, 1862.

Appropriation therefor.

SECTION 2. For the purpose of paying the cost and expenses of erecting said monuments and defraying the expenses of the [commissioners,] commission, and in addition to the sum appropriated by the provisions of said former act, there is hereby appropriated, out of any funds in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of twenty thousand ($20,000) dollars, $2500.00 of which shall be available at once and $17,500.00 shall be available on and after February 16, 1903, and which sum shall be disbursed and paid in accordance with the provisions of section 154 of the Revised Statutes of Ohio, and upon the duly approved estimates of said commission.

Report to governor.

SECTION 3. Said commission shall keep an account of all disbursements, and make a full report thereof to the governor on or before the 15th day of November of each year during the continuance of said trust.

Representatives of regiments and battery to be consulted.

SECTION 4. The representatives of regiments and of said battery shall in so far as is practicable to do so, be consulted by the commission as to style of monuments they desire, and as to the inscription to be put thereon. And any regimental organization shall be permitted to raise by

private subscription such additional sum of money as it may see fit, to be used in connection with the money supplied by the state in the purchase and erection of the monuments for such regiment.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 447G

[Senate Bill No. 198.]

AN ACT

To amend section 453 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 453 of the Revised Statutes of Ohio be amended so as to read as follows:

Circuit court:

Transfer of disqualified judge for judge of other circuit.

Sec. 453. When a judge of the circuit court is interested in any cause or matter pending in the circuit court of any county of his circuit, or is related to or has a bias or prejudice for or against either or any party to such cause, or has sat in the lower court in the same cause or matter or is otherwise disqualified to sit in such cause or matter, on request made by such judge to the chief justice he shall be transferred for the time being by the chief justice of the circuit court to another circuit in exchange for a judge of the circuit court who is qualified to sit in the trial or hearing of such cause or matter, or on the filing of an affidavit of either or any party to such cause or matter, or of his or her counsel setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court wherein such cause is pending shall forthwith enter the fact of the filing of such affidavit in said cause on the trial docket of said court, and forthwith notify the chief justice of the circuit court, or if he be disqualified, as aforesaid, or be absent from the state or disabled in any manner, a judge of some other circuit who is qualified, who shall thereupon, forthwith, make an order transferring, for the time being, the judge named in such affidavit to another circuit in exchange for a judge of the circuit court of such other circuit, who is qualified to sit in the trial or hearing of such cause or matter, and designate and appoint said judge from such other circuit to take the place of the judge disqualified as aforesaid, in the hearing of any such cause or matter where the same is pending; and the order therefor shall be entered upon the journal of said court, and the judge so designated to take the place of said judge disqualified as

aforesaid, shall proceed to perform the duties so assigned to him; and said judge so disqualified as aforesaid, shall not sit in the trial or hearing of said cause or matter. And upon request made by the presiding judge of any circuit to the chief justice to assign a judge, or judges of the circuit court to hold court with the judge or judges of such circuit, or to assign judges to hold an additional court in such circuit, such chief justice shall, upon being satisfied that the business of such circuit requires it, assign such judge or judges of the circuit court, as in his opinion can be so assigned without impairing the business of the circuit of which he is a resident, to hold court in such circuit, and any judge so assigned, except in cases of transfer in exchange, shall be paid five dollars a day for expenses for every day he shall perform such judicial duties, including the time necessarily devoted to the examination and decision of cases heard by him in such circuit, out of the state treasury upon warrant of the auditor of state to be issued upon certificate of such chief justice.

Assignment of judge.

Expenses of judge as assigned.

Repeals.

SECTION 2. Said section 453 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 448G

[House Bill No. 311.]

AN ACT

To supplement section 3365-23*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies:

SECTION 1. That section 3365-23*a* of the Revised Statutes of Ohio be supplemented by the enactment of supplemental sections with sectional herein provided, to read as follows:

Inspector of automatic couplers, etc; appointment, term, vacancy, etc.

Sec. 3365-23*b*. An inspector of automatic couplers and brakes and automatic power brakes on railroad cars, tenders and engines shall be appointed by the commissioner of railroads and telegraphs within thirty days after this act goes into effect, who shall hold office for two years, unless sooner removed for cause, and until his successor is appointed and qualified. At any time a vacancy occurs in the office, the commissioner of railroads and telegraphs shall immediately fill the vacancy by appointment.

Qualifications.

No person is eligible to the office who is an officer or employe of a railroad company or owns or is interested, directly or indirectly, in the stocks or bonds of any railroad

company, or who has not had at least seven years' experience in the transportation department on some line of railroad of more than thirty miles in length, operated in the state of Ohio.

Bond and oath.

Sec. 3365-23*c*. Before entering on his duties, the inspector shall give bond to the state of Ohio in the sum of three thousand dollars, with two or more sureties, or a bond and security company, acceptable to the commissioner of railroads and telegraphs, conditioned for the faithful performance of his duties, and shall also take the usual oath of office, which oath and bond with the approval of the commissioner endorsed thereon, shall be deposited with the secretary of state.

Salary and expenses.

Sec. 3365-23*d*. Said inspector shall be paid a salary of fifteen hundred dollars per year, and all necessary expenses, not to exceed one thousand dollars in any one year, which shall be paid in the manner now provided by section 250-2 for the salary and expenses of the department of railroads and telegraphs. Provided, that in addition to the fifteen thousand dollars ($15,000) now authorized by said section for said department of railroads and telegraphs, there shall be assessed yearly in the manner and upon the corporations as provided in said section, the sum of two thousand, five hundred dollars ($2,500) to pay the salary and expenses provided for in this act. Provided further, that for the purpose of paying the salary and expenses provided for in this act until the assessments herein provided for are available, there is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of three thousand dollars, and that for the purpose of paying the salary and expenses provided for in this act from the first day of August, nineteen hundred and three to the fifteenth day of February, nineteen hundred and four, there is hereby appropriated the sum of one thousand, six hundred and five dollars, or so much thereof as may be paid into the state treasury pursuant to the provisions of this act.

Appropriation to pay salary and expenses until assessments are available.

Office with and under supervision of commissioner of railroads and telegraphs.

He shall have his office in the state house in the office of the commissioner of railroads and telegraphs, and shall be under the supervision of said commissioner.

Travel upon railroads free of charge.

Such inspector shall have the right of passing in the performance of his duties upon all the railroads within the state, and upon all trains, and any part thereof free of charge.

Duties of inspector.

Sec. 3565-23*e*. It shall be the duty of the inspector to inspect the couplers, air brakes and automatic power brakes found on any road in Ohio, and make weekly reports of his inspection to the commissioner of railroads and telegraphs, reporting all cars, tenders and engines, giving number of same, road on which they are found, and the road owning same, if known, which is found to have a defective coupler or brake, describing the defect. He shall also on discover-

ing a defective coupler or brake, immediately report the same to the superintendent of the road on which it is found and to the agent thereof at the nearest station, describing the defect.

Penalty against company for failure to make repairs upon notice.

Sec. 3565-23*f*. Any road whose superintendent or station agent shall receive such notice of a defective coupler or brake shall cause the same to be immediately repaired; and shall be liable in damages to any person injured by reason of such defective coupler or brake, for any injury received after the expiration of twenty-four hours after receiving the notice; and any such company shall be liable in damages by reason of any such defective appliance, for any injury received. But nothing herein shall be construed to diminish the existing legal liability of railroads for injuries to persons or property.

Power of inspector to condemn car, tender or engine.

Sec. 3565-23*g*. Said inspector may, on the discovery of a defective coupler or brake on any car, tender or engine, condemn said car, tender or engine, and order the same out of service until repaired and put in good working order. On receiving from the inspector an order condemning any car, tender or engine, the employes of the road in charge of said car, tender or engine shall put the same out of service at the first freight division terminal.

Penalty for failure to comply with this act.

Sec. 3365-23*h*. Any railroad which fails to comply with any of the provisions of this act shall forfeit and pay to the state of Ohio, the sum of twenty-five ($25.00) dollars for each day such defective coupler or brake is kept in use contrary to the provisions hereof, to be collected in a civil suit in any county in the state where service of process can be had on said road. It is hereby made the duty of the attorney general or the prosecuting attorney of any county in which such company has a line of railroad, and such officer shall, on request from the inspector, immediately commence and prosecute, without unnecessary delay, proceedings to collect said sum, and the sum so collected, less 10 per cent. fees for collecting same, due such officer, shall be paid to the general revenue fund of the state.

Penalty against officers of company for noncompliance.

Sec. 3365-23*i*. Any superintendent conductor or other officer or employe of any road who shall wilfully refuse or neglect to comply with any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof fined any sum not less than twenty-five or more than five hundred dollars, and be personally liable for any injuries resulting to any employes therefrom.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 449G

LOCAL LAWS.

[House Bill No. 181.]

AN ACT

To authorize certain cities to establish public libraries.

[WASHINGTON C. H.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any city of the second class, fourth grade, which according to the federal census of 1900 had, or which according to any subsequent federal census shall have, not less than 5,700 nor more than 5,800 inhabitants, may issue and sell bonds for the purpose of purchasing real estate upon which to erect a public library building, in any sum not exceeding $8,000, in denominations not exceeding $1,000, and not less than $100 each, bearing interest not exceeding five per cent. per annum, payable semi-annually, and payable at any time not more than ten years from the date of their issue, as such council may determine. Such bonds shall be known as "Public library bonds," and shall not be sold for less than their par value, and, in all respects not herein provided for, their issuance and sale shall be in accordance with the provisions of section 2709, of the Revised Statutes of Ohio.

SECTION 2. That the council of any such city shall be authorized and empowered to appropriate, or otherwise acquire, such private property as in its judgment may be needed for the purpose mentioned in the foregoing section of this act.

SECTION 3. To pay the interest and principal upon such bonds as the same shall become due, such council shall, annually, levy upon all the taxable property of such city, a tax sufficient in rate and amount to pay the interest and to provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied for any and all other purposes. Such taxes shall be levied and collected as other taxes of such cities.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 4, 1902.

1L

[House Bill No. 17.]

AN ACT

To transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Union township of Brown county, Ohio, be and the same is hereby authorized to transfer the sum of three thousand and five hundred dollars ($3,500) from the contingent fund of said township to the tuition fund of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 4, 1902. 2L

[House Bill No. 242.]

AN ACT

To authorize cities of the third grade of the first class to issue bonds for the purpose of raising means to supply temporary deficiencies in their fire department fund of such cities.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the common council of any city of the third grade of the first class is hereby authorized to issue and sell the bonds of such city for the purpose of supplying any temporary deficiency in the fire department fund of such city, on the conditions and subject to the limitations hereinafter provided.

SECTION 2. The amount of such bonds that may be issued by any such city in any one year shall not exceed the sum of forty thousand dollars ($40,000.00), and no such bonds shall be so issued or authorized unless a petition signed by all of the members of the board of fire commissioners of such city shall be first presented to the common council of such city requesting the issuance of such bonds and stating the amount of such deficiency and the specific purposes for which the money shall be required.

SECTION 3. Such bonds shall be executed issued and sold as other bonds of such cities are by law authorized to be executed, issued and sold, shall be of denomination of five hundred dollars ($500.00) or one thousand dollars ($1,000.00) as the common council shall determine. [shall] be payable at any time or times not exceeding 10 years from their dates, shall bear interest at a rate not exceeding 4½ per cent. per annum payable semi-annually and shall contain a recital that they are issued by authority of this act.

SECTION 4. The money realized from the sale of any such bonds shall be placed to the credit of the fire department fund of such city and shall be used and expended for the specific purposes specified in the peti-

tion of the board of fire commissioners provided for in section 2 of this act.

SECTION 5. The interest on bonds so issued shall be paid from the fire department fund as the same shall become due and the common council of any such city so issuing such bonds shall provide, in making the levy of taxes for the fire department fund for the years in which such bonds or any of them shall mature, for the prompt payment of the principal of said bonds at the maturity thereof.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 6, 1902. 3L

[House Bill No. 22.]

AN ACT

To authorize the commissioners of Clinton county to purchase land for children's home and to transfer $8,000 from the children's home expense fund for said said purpose and to authorize the sale of the present children's home and provide for the building of a new home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Clinton county be and they are hereby authorized and empowered to purchase land for the children's home in said county, not exceeding an expenditure of eight thousand ($8,000) dollars, said sum being already in the treasury of said county to the credit of the children's home expense fund, which sum out of said fund, the commissioners are hereby authorized to use in purchasing said land.

SECTION 2. Said commissioners are also authorized and empowered to sell all, or any portion of the land constituting the present children's home of said county, and place the proceeds of such sale in the county treasury to the credit of the children's home building fund.

SECTION 3. Said commissioners are also hereby authorized to transfer from the children's home expense fund to the children's home building fund, in the treasury of said county, any sum which may be determined by them, not exceeding five thousand ($5,000) dollars.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 6, 1902. 4L

[Senate Bill No. 14.]

AN ACT

To provide an official stenographer for certain counties [therein].

[BELMONT COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all counties having a population of not more than sixty-one thousand nor less than sixty thousand by the federal census of 1900, or which at any subsequent federal census may have such population, the court of common pleas may appoint one official stenographer for such county, who shall hold his office for the term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office. The salary of said stenographer shall be fixed by the judge making said appointment, but shall not exceed twelve hundred dollars per annum, payable in equal monthly installments out of the county treasury of said county, on the warrant of the county auditor, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of witnesses, the charge of the court to the jury, all opinions rendered, and such other oral proceedings as the court or the parties may direct, in all cases actually tried in the circuit, common pleas, and probate courts, to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney, or the court, an accurate transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same, but no transcript of the notes into longhand shall be paid for out of the county treasury in any case unless such transcript shall be ordered made by the judge trying the case, for his own use, and in criminal cases by the prosecuting attorney. Such stenographer shall also, without extra compensation take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 3. Such stenographer shall receive, for making such transcripts of said notes into longhand, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making each additional transcript shall be one-third the fee allowed for the first copy. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other cost in the case, and, when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 4. Such stenographer shall have his office in the court house of the county, and shall have power to take and certify depositions in any of the courts of this state, and may be appointed referee to take and report proof in causes pending in any of the courts of this state, and in taking such depositions and proof, he shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 6, 1902. 5L

[House Bill No. 18.]

AN ACT

To transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the [trustees] of Pleasant township, Brown county, Ohio, be, and the same are hereby authorized to transfer the sum of three hundred dollars ($300) from the poor fund of said township to the cemetery fund of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 6, 1902. 6L

[House Bill No. 174.]

AN ACT

To divide Madison and Scott townships, Sandusky county, Ohio, so as to make another election precinct.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the townships of Madison and Scott, in Sandusky county, Ohio, be divided so as to make another election precinct, as follows: To consist of eight sections of Madison township, numbered as follows: 27, 28, 29, 30, 31, 32, 33, and 34; and also seven sections of Scott township numbered as follows: 3, 4, 5, 6, 7, 8, and 9. That said election precinct shall be known as the Rollersville precinct, and the voting place shall be at the village of Rollersville.

[House Bill No. 198.]

AN ACT

To amend an act entitled "An act to regulate and improve the civil service in certain departments within cities of the first grade of the second class."

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to regulate and improve the civil service in certain departments in cities of the first grade of the second class," passed April 14th, 1900, be so amended as to read as follows:

That in cities of the first grade, of the second class, the mayor shall appoint four persons to constitute a civil service commission. Said commission shall have been electors and residents in such cities for two years prior to their appointment. They shall serve, one until the expiration of four years; one until the expiration of three years; one until the expiration of two years, and one until the expiration of one year from the first day of June of the year in which such appointments are made, and until their respective successors are appointed and qualified, and in every year in the month of May following the original appointment of said civil service commission the mayor of such cities shall appoint one person to serve as such commissioner for four years from the first day of June, and until his successor is appointed and qualified, and the persons so appointed shall, except as herein otherwise provided, perform all the duties vested in the civil service commission, as heretofore established and provided for, in such cities, and the laws relating thereto shall apply to the commission herein provided for. Any vacancy in the office of the commission shall be filled for the unexpired term by appointment as above provided. All appointments, both original and to fill vacancies shall be so made that not more than two commissioners shall be members of the same political party, and the original appointments shall be so made that the commissioners appointed for the terms of one and three years respectively shall not be members of the same political party as the commissioners appointed for the term of two and four years respectively.

Provided, however, that any member of a civil service commission, now existing in cities of the first grade, of the second class, whose term of office expires on the first day of September following the passage of this act, shall from and after the passage of this act assume and perform the duties as a member of the civil service commission herein provided for, until the first day of June 1903; that any member of such civil service commission, whose term of office expires on the first day of September 1903 shall continue to perform the duties as a member of the civil service commission herein provided for, until the first day of June 1904; that any member of such civil service commission, whose term of office expires on the first day of September 1904 shall continue to perform the duties as a member of the civil service commission herein provided for until the first day of June 1905; and any member of the civil service commission, whose term of office expires on the first day of September 1905 shall continue to perform the duties as a member of the civil service commission herein provided for until the first day of June 1906.

The mayor may remove any commissioner for incompetence, neglect of duty, malfeasance in office, habitual drunkenness or gross immorality;

and any manifest failure on the part of any commissioner to enforce the provisions of this act, according to its true intent and purpose, shall be deemed incompetency, and when the removal of any commissioner is made the mayor shall file a written statement of the cause, or causes, for such removal with the clerk of said commission, and the same shall be recorded in the records hereinafter provided. Provided, however that the accused shall have the right to a trial before the mayor and to subpoena witnesses to testify in his behalf, and the accused shall not be removed from office unless the charges preferred against him are sustained by the preponderance of the legal evidence produced in said hearing, and the finding and action of the mayor may be set aside, if not in conformity with the provisions of this act, in any proceedings instituted in any court of record for the purpose of trying the right of the accused to said office. Said commissioners shall hold no other public office or employment. Each commissioner shall receive compensation for every day of actual service necessary to the discharge of his duties under this act at the rate of five dollars per day; provided that no commissioner shall receive more than two hundred and fifty dollars per annum.

SECTION 2. The commission shall classify all of the employes of the departments of public improvements, and public safety, in the service of said cities. Said commission shall also at any time classify any other offices or places of employment in any other department of the city service upon proper authorization from the council of said cities. But the classified service of said city shall not include the positions of officers who are the departmental heads of such city or stenographers or private secretaries thereof.

SECTION 3. The said commission shall have power to and shall forthwith make rules to carry out the purposes of this act, and for regulating examinations and appointments to fill any and all vacancies in the classified services of such city, in accordance with its provisions. After the expiration of forty days from and after the time limited by section 1 of this act for the appointment of the commission of such city, no person shall be appointed, selected or employed to fill any vacancy in any position in the service of such city required by section 2 of this act to be classified, except pursuant to the provisions of this act and of such rules. It shall be the duty of all persons in the service of the city to aid in all proper ways in carrying the rules of the commission into effect.

SECTION 4. All applicants for admission into the classified service of such city shall be subject to examination, which shall be competitive, public and open to all citizens of Ohio who shall have been residents in such city at least one year prior thereto, with special limitations as to age, health, habits and moral character (said examination as to health being under the supervision of physicians), and shall relate to those matters which shall fairly test the relative capacity of the persons examined to discharge the duties of the position which they seek, and may include tests of physical qualifications and health, and, when appropriate, of manual skill. The examinations of applicants for employment as laborers classified shall relate to their capacity for labor, their habits as to industry and sobriety, and their experience in and knowledge of the kind of work for which they apply. No question in any examination shall relate to political or religious opinions or affiliations. The rules to be made by the commission shall provide, so far as the conditions of good administration may warrant, for filling vacancies in any

grade above the lowest, by promotion, on a basis of ascertained merit and seniority in service and examination; and, to that end, shall hold public competitive examination for promotion, open to members of the next lower grade, and for giving due credit, in the marking of competitors, for length of service and for ascertained merit in service.

SECTION 5. In case of any vacancy in the classified service of said city, notice shall be given the commission by the appointing power of said vacancy, and thereupon the commission shall certify in writing to the appointing power, the names, addresses and grades of the candidates, not exceeding three in number for any such vacancy, whose names shall stand highest on the appropriate register, and it shall then be the duty of the appointing power to appoint on probation, to fill such vacancy, one of the said candidates whose name shall have been so certified. Provided, however, that if the appointing power satisfies the commission that there is reasonable ground for the belief that any candidate so certified is morally unfit, his name shall be stricken from the register and another name shall be certified in its place in like manner. No appointment, promotion or removal in the classified service shall be influenced in any manner by the political or religious affiliation or opinions of any such candidate.

SECTION 6. No officer or employe within the classified service of any such city shall be removed, reduced in rank or suspended except from some cause relating to his moral character or his suitableness to perform the duties of his position. Provided, however, that if the head of any department does remove, reduce in rank, suspend or discharge any officer or employe of such department, it shall be by written order giving the reasons therefor, and such written order shall be recorded in the records of the department, and a copy thereof filed with the mayor; and provided, however, that any officer or employe removed, reduced in rank or suspended, may appeal from such order of removal, reduction in rank or suspension or other punishment to the civil service commission for trial, upon which appeal said commission shall require the causes of such removal, reduction in rank or suspension to be certified to it in writing, with specifications signed for such removal, reduction in rank or suspension, which specifications shall be signed by the person preferring the charge. A copy of said charges as specified shall be thereupon served on the accused at least five days before the hearing thereon, and the accused shall have the right to meet the witnesses face to face and to have compulsory process to procure the attendance of witnesses in his behalf, and to require a speedy trial and the production in evidence of books, papers and records in his behalf. Said commission shall forthwith, and within ten days sit as a tribunal for the trial of the accused and shall have full power to pass upon the same and fix the punishment of the accused, and the action of the commission shall not be subject to reversal by any appellate tribunal or court, in holding any such investigation or inquiry, or any other investigation or inquiry under this act; the commission shall have power to subpœna, on behalf of the city, the attendance and testimony of witnesses, and the production of books and papers pertinent to the subject matter of such investigations or inquiry, and to administer oaths and affirmations; and witnesses, and officers to subpœna and secure the attendance of witnesses, shall be entitled to like fees and mileage as are allowed by law for like services in proceedings before the courts of common pleas. Such fees shall be paid out of any money in the city treasury not otherwise appropriated,

and need not be repaid, but the city auditor shall draw his warrant for the payment of the amount thereof when the same shall have been duly certified. Disobedience of any such subpœna lawfully issued and duly served, or refusal of a witness to be sworn or to answer as a witness when lawfully ordered, may be reported by the commission to the court of common pleas or to the probate court in and for the county in which the commission is sitting at the time, and may by such court be punished as a contempt in like manner as if committed on the trial of an action before such court. Subpœnas may be signed and oaths administered by any commissioner.

SECTION 7. Such commission may designate persons in the official service of the city who shall, with the consent of the head of the department or office in which such person serve, act as examiners in any examination; or it may appoint as such examiners persons not in office. The commission may themselves at any time act as such examiners, and without appointing examiners. At no examination shall all the examiners be members of the same political party. Said commission shall have a sufficient and suitable office and rooms for the fulfillment of its duties and holding examinations. The cost and charge of the salaries of the commissioners and the expense of rent, supplies, and the administration and enforcement of this act incurred by said commission, shall be borne and paid by such city out of its general fund, upon vouchers of such commission, certified by that commissioner whom the commission may choose as its presiding officer, specifying in every voucher the actual services, items of supplies and prices and rates in detail; which shall be allowed by the city auditor, and upon his warrant paid by the city treasurer of such city. Said commission shall appoint a secretary who shall perform such duties as shall be necessary to carry out the provisions of this act, for which services he shall receive as compensation the sum of eight hundred dollars per annum.

SECTION 8. The body, board or commission in which is vested the legislative power and authority of the city school district, or of any public library of such city, may by resolution provide that any class or classes of workmen, janitors, or other appointees or employes of such school district or library board shall for the purposes of this act be treated as part of the classified service of such city. If the power of selection to fill positions in any such class or classes specified in such resolution be vested by law, in any officer or officers other than such legislative body, such resolution shall not take effect as to such class or classes without the approval of such officer or officers. Upon its taking effect, all provisions of this act relating to the classified service of such city shall be applicable to the classes of employes specified in the resolution, and the power and duties of the commission of such city shall extend thereto, and the expenses of the commission incurred in connection therewith shall be paid by the board of education or library board.

SECTION 9. Said commission shall have the power to make rules for examinations, at stated periods of not less than six months' duration, of employes in the classified service, and in case such examination shall show that any employe so examined is incompetent or unsuitable for the position which he holds he shall be discharged.

SECTION 10. Section 9 of the act "to regulate and improve the civil service in certain departments within cities of the first grade of the second class," passed April 14, 1900. (94 O. L., 603) is hereby repealed. All acts and parts of acts, so far as inconsistent herewith, are

hereby repealed; provided, however, that nothing in this act contained shall be construed to affect any existing commission or the tenure of office of any member thereof, except as herein provided; and this act shall take effect and be in force from and after its passage, and shall apply to pending actions, prosecutions and proceedings, and all causes of such actions, prosecutions and proceedings.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 13, 1902. 12L

[House Bill No. 15.]

AN ACT

To establish a special school district at Lakeville, Holmes county Ohio, to be composed of a part of Washington township, Holmes county, Ohio, and a part of Lake township, Ashland county Ohio, and a part of Clinton township Wayne county, Ohio, and to provide more satisfactory facilities for the education of pupils in said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district, to be known as the "Lakeville special school district," to-wit: Being section twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), and thirty-six (36), of township twenty (20), range fifteen (15). Washington township, Holmes county, Ohio, including the village of Lakeville and the railroad property in said territory. Also the south one-half ($\frac{1}{2}$) of section twenty-three (23), township twenty (20), range fifteen (15), and the south one-half ($\frac{1}{2}$) of section twenty-two (22) township twenty (20), range fifteen (15), lying east of the Mohican river, in Lake township, Ashland county, Ohio, and the south one-half ($\frac{1}{2}$) of section twenty-four (24), township twenty (20), range fifteen (15), in Clinton township, Wayne county, Ohio.

SECTION 2. Within twenty days after the passage of this act written or printed notice shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, at an hour and place designated in said notices. And then and there in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect six members to constitute a board of education, two to serve until the third Monday of April next succeeding their election; two to serve for one year; and two to serve for two years from said third Monday of April, and, until the election and qualification of their successors. And on the second Monday of April each year following the first election of the board of education, there shall be elected two members to serve for three years, and until their successors are elected and qualified.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school dis-

trict, and said special school district shall be entitled to, and shall receive its proportionate share of the tuition funds, and the funds levied for schoolhouse and contingent expenses now in the hands of the county or township treasuries, or now levied and not yet collected, said proportionate share shall be based upon the enumeration of children of school age for the year 1901.

SECTION 4. The board of education of said special school district shall prescribe the course of study which may include a high school course, and may, when in its opinion it will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund of said special district.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 13L

[House Bill No. 11.]

AN ACT

To transfer funds from the pike fund of Plymouth township, Richland county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of township trustees of Plymouth township, Richland county, Ohio, be and the same is hereby authorized to transfer the sum of two thousand five hundred and fifty dollars and thirty-six cents, ($2,555.36) from the pike fund of said township to the general fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 14L

[House Bill No. 60.]

AN ACT

To authorize the board of education of Pleasant township, Henry county, state of Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Pleasant township, Henry county, state of Ohio, be and it is hereby authorized to transfer one thousand ($1,000.00) dollars from the tuition fund of said township to the contingent fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 15L

[House Bill No. 12.]

AN ACT

To authorize the board of education, Green township, Shelby county, Ohio, to issue a voucher to the treasurer of said township for $368.49, to cover deficiency.

WHEREAS, A deficiency in the common school fund, amounting to the sum of $368.49 has existed in Green township, Shelby county, Ohio, for more than twenty-five years last past; and

WHEREAS, By reason of said deficiency, the auditor of Shelby county, Ohio, has charged on his books, against each succeeding treasurer of said township, from the time said deficiency arose, the said sum of $368.49 in excess of the sum actually in the hands of the treasurer of said township Therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Green township, Shelby county, Ohio, be, and it is hereby authorized and empowered to issue a voucher to the treasurer of said township for the sum of $368.49, to cover the deficiency existing in the common school fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 16L

[House Bill No. 152.]

AN ACT

To repeal an act entitled "An act to annex Anderson township, of Hamilton county, to Clermont county, for agricultural purposes."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to annex Anderson township, of Hamilton county, to Clermont county, for agricultural purposes," which said act was passed by the general assembly of the state of Ohio, upon January 14, 1863, is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 17L

[House Bill No. 95.]

AN ACT

To authorize the council of the incorporated village of Caldwell, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorparated village of Caldwell, Noble county, Ohio, be and it is hereby authorized to transfer four hundred and thirty and 97-100 dollars ($430.97), from the street light fund to the electric light and waterworks fund and the sanitary fund of said village. Said sum of $430.97 to be divided as follows: $230.97 to the said electric light and waterworks fund and $200.00 to the said sanitary fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 18L

[House Bill No. 25.]

AN ACT

To authorize the township trustees of Bucyrus township, Crawford county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Bucyrus township, Crawford county, Ohio, be and they are hereby authorized to transfer the sum of eight hundred dollars ($800.00) from the poor fund of said township to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 18, 1902. 19L

[House Bill No. 7.]

AN ACT

To amend section 6 of an act entitled An act to amend an act entitled An act to authorize the commissioners of Henry county, to improve the roads of said county passed March 24 1886 (O. L. vol. 83 p. 279) passed April 29 1891 (O. L. vol. 88 p. 878).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6 of an act entitled, An act to amend an act entitled an act to authorize the commissioners of Henry county to improve the roads of said county, passed March 24 1886 (O. L. Vol. 83, p. 279) passed April 29 1891 (O. L. Vol. 88, p. 878) be so amended to read as follows:

Sec. 6. Except in townships in which an election has been held under the provisions of an "act entitled "An act to authorize the commissioners of Henry county to improve the roads of said county," passed March 24, 1886 (O. L., Vol. 83, p. 279), or the act of which this is amendatory, before the commissioners shall make any levy under this act. there shall be presented to them a request in writing, signed by not less than fifty resident freeholders of any township in which it is proposed to levy such tax, and the said commissioners shall then submit the question of accepting or rejecting the provisions of this act, to the qualified electors of such township, at a regular election, after giving at least ten days' notice thereof by posting in ten of the most public places in said township, written or printed notices.

The tickets to be voted at any election at which such question shall be submitted, shall have written or printed thereon the words "road improvement—yes;" or "road improvement—no;" and returns of such election shall be made by officers thereof within five days to the county commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 20L

[House Bill No. 6.]

AN ACT

To amend an act entitled "An act to supplement section 897*e* of the Revised Statutes of Ohio, as amended April 24, 1893."

[HENRY COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 897*e* of the Revised Statutes of Ohio, as passed April 17, 1894, be amended so as to read as follows:

Sec. 897*e*. In counties, which by the last preceding federal census had a population of not less than 27,270, nor more than 27,282, or which at any subsequent federal census may have such population, each county commissioner shall devote his entire time to the duties of his office, and shall receive a salary at the rate of one thousand dollars per annum, to be paid in monthly installments, upon the warrant of the county auditor; and shall be allowed in addition thereto, his reasonable and necessary expenses actually paid in the discharge of his official duty, and each commissioner shall present an itemized statement of such expenses which, before it is allowed by a full board, shall be certified to by the prosecuting attorney of the county and approved by the probate judge thereof; but in no case shall there be allowed to exceed two hundred dollars for such expenses to each commissioner in any one year.

SECTION 2. Said original section 897*e* is hereby repealed; and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 21L

[House Bill No. 39.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds to pay the cost of erecting and maintaining public bath houses.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class be and the same is hereby authorized to issue and sell its bonds, not exceeding in amount the sum of fifty thousand dollars, to pay the cost and expense of the erection and maintenance of public bath houses, such bonds to be issued and sold in the manner provided by law, to mature not later than thirty years from the date thereof, and a tax is hereby authorized for the payment of interest and principal thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 22L

[House Bill No. 283.]

AN ACT

For the relief of Mathias Held, treasurer of the board of education and of the township of Marion in the county of Franklin, and state of Ohio.

WHEREAS, On the tenth day of April, A. D. 1900, Mathias Held was treasurer of the board of education, and of the township of Marion, county of Franklin, and state of Ohio, and as such treasurer had on deposit with the banking firm of Reinhard & Co., in the city of Columbus, county and state aforesaid, the sum of sixteen hundred and eleven 87-100 dollars ($1,611.87).

WHEREAS, On the tenth day of April, A. D. 1900, the said banking firm of Reinhard & Co. made an assignment for the benefit of their creditors and a short time thereafter went into bankruptcy under the United States bankrupt law.

WHEREAS, The said Mathias Held, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said banking firm of Reinhard & Co. did a large and seemingly prosperous banking business, and enjoyed the confidence of the people in the city and county in which they did business and had been the depositary of the school funds of said Marion township from and since the time said township was organized.

WHEREAS, There is in the treasury of said board of education and of said township of Marion, funds sufficient that it will not be necessary to levy any additional tax.

WHEREAS, No part of said $1,611.87 can be realized by the said Mathias Held, treasurer of said Marion township, from the assets of said Reinhard & Co., now in bankruptcy.

WHEREAS, The said Mathias Held on the 16th day of April, A. D. 1900, out of his own private and individual funds replaced and made good to said board of education and said township of Marion said sum of sixteen hundred and eleven and 87-100 dollars.

WHEREAS, More than 85 per cent of the resident taxpaying electors of said township of Marion have by their petition expressed a desire to have the said Mathias Held and the sureties upon his official bond released from any loss or liabilities growing out of the failure of said banking company; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Mathias Held, treasurer of the board of education and of the township of Marion, county of Franklin, and state of Ohio, and

the sureties on his official bond as such treasurer, be, and the same are hereby relieved from the payment to said board of education, and said township trustees, or either or any of the said officers thereof said sum of sixteen hundred and eleven and 87-100 dollars or any part thereof.

SECTION 2. That said board of education and said township trustees or the said officers thereof repay to the said Mathias Held said sum of sixteen hundred and eleven and 87-100 dollars together with the legal interest thereon from the 16th day of April, A. D. 1900, to date of payment thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 23L

[House Bill No. 112.]

AN ACT

To authorize the board of county commissioners of Summit county, Ohio, to reimburse John E. Washer for his loss sustained in the Akron riot, August 22, 1900.

WHEREAS, John E. Washer was upon the 22nd day of August, 1900, the duly appointed and acting prison keeper of the city of Akron, Ohio, and as such prison keeper, was required to reside with his family in the city building; and

WHEREAS, Said John E. Washer was, on the aforesaid date, residing with his family in said city building and had household goods and other property of considerable value therein; and

WHEREAS, A certain prisoner charged with the commission of an offense against the statutes of the state of Ohio, had been placed in the city prison of Akron, Summit county, Ohio, under the charge and custody of the said John E. Washer as prison keeper; and

WHEREAS, On the night of the 22nd day of August, 1900, a mob collected for the purpose of lynching said prisoner, and as the result of the acts of said mob, the city building, in which was located the city prison and the living apartments of said John E. Washer and family, was set on fire and said city building and its contents, including the household goods and other property of the said John E. Washer, totally destroyed; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Summit county, Ohio, be and they are hereby authorized and empowered to settle and determine, before September 1st, 1902, upon the amount of loss sustained by the said John E. Washer by reason of the destruction of his said property; and said board of county commissioners are further authorized and empowered to draw their warrant or order upon the treasurer of said county, and in favor of said John E. Washer, for such an amount as said

board of county commissioners shall ascertain and determine to be sufficient to reimburse him for the loss sustained by him, and that the treasurer of said county be authorized and empowered to pay the said John E. Washer the amount of said warrant or order out of the general fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 20, 1902. 24L

[House Bill No. 23.]

AN ACT

To divide Chester township, Clinton county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Chester township, Clinton county, Ohio, be and the same is hereby divided into two election precincts, the boundary of said precincts beginning at a point in the Warren county line on the Canbytown road; thence northeast in a line of said road to the Henry Hawkins crossroads; thence in a southeasterly direction in the line of the Canbytown road to the John Hurley crossroads; thence north one hundred yards to a stake in the line of the new Burlington and Dakin's corner road; thence due east to the Albert Hackney road crossing from the Center pike to the New Burlington and Gurneyville pike; thence in the line of the Albert Hackney road north to the New Burlington and Gurneyville pike; thence in the line of the New Burlington and Gurneyville pike east to the Liberty township line. All of that portion of said township lying north of said line shall be known as New Burlington precinct of Chester township, Clinton county, Ohio, and all that portion lying south of said line shall be known as Kingman precinct of Chester township, Clinton county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 21, 1902. 25L

[House Bill No. 459.]

AN ACT

To authorize cities of the second class, third grade a, to issue bonds for the purposes therein [herein] specified.

[SPRINGFIELD.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any city of the second class, third grade *a*, wherein waterworks have been or hereafter may be constructed,

e, and it is hereby authorized and empowered upon application of the ustees of the waterworks of such city, to issue, from time to time, onds of such city designated, "Waterworks bonds," not exceeding in ie aggregate one hundred thousand ($100,000) dollars, for the purose of extending water mains and pipe lines and for the purpose of iaking other improvements to the waterworks service of any such city.

SECTION 2. That the council of any such city of the second class, hird grade *a*, be and it is hereby authorized and empowered, upon the pplication of the board of police and fire commissioners of said city, o issue, from time to time, bonds of such city, designated "Fire departient bonds," not exceeding in the aggregate fifty thousand (50,000) lollars, for the purpose of purchasing real estate, fire engines, hose, iorses and other necessary equipments for same, and for the building nd repairing fire engine houses.

SECTION 3. That the city council of any such city of the second lass, third grade *a*, upon the recommendation of the board of public iffairs of said city, two-thirds of the whole number of members of counil elected thereto, concurring, and declaring the same to be necessary, e, and it is hereby authorized and empowered to issue bonds of said ity, not exceeding in aggregate the sum of twenty thousand ($20,000) lollars, for the purpose of paying such portion of the cost and expense of paving or otherwise improving its streets, as to the council may seem equitable and just, and for the purpose of paying the deficiency caused by illegal assessments heretofore made for street paving purposes.

SECTION 4. Such bonds shall be in such denominations, run for such length of time, not exceeding twenty (20) years, and bear such rate of interest not exceeding five (5) per cent. per annum, payable semiannually as such council may by ordinance determine; they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the entire proceeds arising from the sales thereof shall be applied exclusively for the purposes for which the bonds are issued.

SECTION 5. The council of any such city is hereby authorized, empowered and directed to levy and collect, from time to time, upon all taxable property of such city, a tax sufficient in amount to pay principal and the interest of any bonds which may be issued under the authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902.

[House Bill No. 99.]

AN ACT

To create a special school district in Harrison township, Perry county, Ohio

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in the township of Harrison, county of Perry, and state of Ohio, be and is hereby made and constituted a special school district, to be known as the Crooksville special school district, to-wit: Beginning at the northeast corner of section 16, township 14, range 14, Perry county, Ohio, thence west 480 rods, thence south 160 rods, thence west 80 rods, thence south 400 rods, thence east 80 rods, thence south 80 rods, thence east 480 rods, thence north 640 rods, to the place of beginning.

SECTION 2. That all school property, including buildings and furniture now located on said territory described in section 1 of this act shall be a part of and belong to said special school district, subject to, and under the control of the board of education of said special school district.

SECTION 3. Said special school district shall be entitled to receive its pro rata share of all the school funds, state and local, including contingent funds, that are or may be placed to the credit of said township of Harrison for the current school year, together with the other funds that may be applicable thereto and duly credited according to law, and shall in all respects be governed by such laws as are or may be enforced relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the schools now in session therein; but said existing contracts shall be executed according to the terms thereof.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902. 27L

[House Bill No. 100.]

AN ACT

To authorize the county commissioners of Perry county, Ohio, to transfer funds

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Perry county, Ohio, be and they are hereby authorized to transfer the following funds: Four thousand dollars ($4,000.00) from the bridge fund to the county fund, nine hundred and nineteen dollars and twenty-four cents ($919.24) from the township school fund to the county fund of said county, four hundred and twenty dollars and seventy-nine cents ($420.79) from the corporation fund to the county fund of said county, one thousand and fifty-seven dollars nine cents ($1057.09) from the township fund to the county fund of said county, six thousand dollars ($6,000.00) from the building fund to the county fund of said county, nine hundred and forty-

ne dollars and twenty-five cents ($941.25) from the court house bond ınd to the county fund of said county, two thousand five hundred dol-ırs ($2,500.00) from the court expense fund to the county fund of said ɔunty, twenty-nine dollars and fifty-six cents ($29.56) from the pike ınd to the county fund, of said county, and six hundred and fourteen ollars and thirty-two cents ($614.32) from the tax omission fund to ıe county fund, which funds are now balances in the county treasury f said county credited to the aforesaid funds by mistake, and properly elong in the county fund of said county.

SECTION 2. This act shall take effect and be in force from and fter its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902. 28L

[House Bill No. 61.]

AN ACT.

To authorize Joseph Bellefeuille, of Hamler, Henry country, state of Ohio, to change the spelling of his name.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Joseph Bellefeuille of Hamler, Henry county, tate of Ohio is hereby authorized to spell his name as follows: Joseph Bellfy.

SECTION 2. This act shall take effect and be in force from and after ts passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed February 24, 1902. 29L

[House Bill No. 200.]

AN ACT

To amend section 10 of an act entitled an act to amend an act entitled an act to authorize the commissioners of Guernsey county to construct free turnpike roads, passed March 21, 1887 and to supplement the same, passed March [17, 1893,] 21, 1887, and to supplement the same, passed March 17, 1893, as amended April 10, 1894, (91 O. L. p. 612).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10 of an act to authorize the commissioners of Guernsey county to construct free turnpike roads, passed March 21, 1887, and to supplement the same, be amended so as to read as follows:

SECTION 10. And such counties with population as aforesaid, shall be and are hereby created a special road district for the purpose of opening,

improving, changing or altering and repairing all public highways wh... are laid out and established therein and each township excepting cities a... incorporated villages therein in any such county with population as afo... said, is hereby created a sub-special road district. The trustees sha... the first Monday of March of each year, divide the township into distr... to correspond with the number of supervisors deemed necessary for t... proper care of the roads in said township, but said number of distr... shall not be more than four, nor less than two. Said supervisors sha... resident electors of that particular district of the township sub-divisi... which he superintends. The electors of each sub-special road district sh... on the first Monday of April of each year, elect at least two, nor more t... four supervisors for each sub-special road district, who shall have all ... rights, perform all the duties and be subject to all the liabilities prov... for in by chapter 5, title 7, of the Revised Statutes. Such sub-special r... district supervisors so elected shall receive two ($2) dollars per day f... every day's service in the performance of their duties as such supervis... of roads and shall give bonds payable to the township trustees for t... benefit of the state of Ohio, in the sum of five ($500) hundred dollars ... conditioned for the faithful performance of their duties. And in coun... enumerated in this act the office of road supervisor is abolished and t... trustees shall include in their notice of election for township officers t... office sub-special road supervisor.

SECTION 2. Said section 10 passed March 17, 1893, and amend... April 10, 1894, and amended March 23, 1898, entitled as aforesaid, be a... is hereby repealed and this act shall take effect and be in force from an... after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 30L

[House Bill No. 513.]

AN ACT

To amend supplemental section 897y of the Revised Statutes of Ohio.

[CLARK COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That supplemental section 897y of the Revised Statutes of Ohio, be further amended as follows:

SEC. 897y. Each county commissioner in all counties having by the Federal census of 1900 a population of not less than 58,930, nor more than 58,950 shall receive a salary of fourteen hundred dollars ($1400.00) per annum payable in equal monthly installments out of the county treasury, upon the warrant of the county auditor; and each commissioner in such county shall devote his entire time or so much thereof as may be necessary to properly discharge the duties of the office and shall receive nothing in addition to the salary herein provided either directly or indirectly, by way of mileage, per diem, expenses paid out, or otherwise; except when

necessary to go out of the county on official business pertaining to his office, each commissioner may, in addition to such salary, receive his actual expenses and no more, which shall, before being paid, be presented in an itemized account to, and be approved in writing by the prosecuting attorney and probate judge of said counties.

SECTION 2. That said original section 897y as passed February 13th, 1902, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 31L

[House Bill No. 271.]

AN ACT

To authorize the trustees of Bartlow township, Henry county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Bartlow township, Henry county, state of Ohio, be and they are hereby authorized to transfer ($3,758.95) three thousand, seven hundred and fifty eight dollars and ninety-five cents from the stone road fund of said township to the county treasurer of said county, to be by said county treasurer placed to the credit of the Bartlow township road improvement fund and to be expended on the order of the commissioners of said county under the provisions of an act entitled "An act to provide for the improvement of public roads," (O. L. Vol. 94, page 96), passed April 4, 1900. The clerk of said Bartlow township is hereby authorized to draw his voucher on the treasurer of said township in favor of said county treasurer for the amount of ($3,758.95) three thousand seven hundred and fifty-eight dollars and ninety-five cents.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 32L

[House Bill No. 129.]

AN ACT

To authorize the trustees of Mifflin township, Wyandot county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Mifflin township, Wyandot county, Ohio, be and they are hereby authorized and empowered to transfer twenty-two hundred and fifty-five dollars and seventy-three cents

($2255.73) from the pike fund of said township as follows: Eight hundred dollars ($800.00) to the township fund of said township; eight hundred dollars ($800.00) to the road fund of said township, and six hundred and fifty-five dollars and seventy-three cents ($655.73) to the bridge fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 33L

[House Bill No. 35.]

AN ACT

To amend that part of section 4215 of the Revised Statutes of Ohio referring to Cuyahoga county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That that portion of section 4215 of the Revised Statutes of Ohio referring to Cuyahoga county be and the same is hereby amended so as to read as follows:

(Cuyahoga County.) And provided further that in counties having a city of the second grade, first class, in which there exists a society to prevent cruelty to animals organized under title 2, chapter 13 of the Revised Statutes all excess of said sheep fund after paying the just claims allowed for sheep killed by dogs, shall be paid over to the treasurer of said society.

SECTION 2. That said original portion of the Revised Statutes referring to Cuyahoga county is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 34L

[House Bill No. 85.]

AN ACT

To authorize the treasurer of Medina county to pay over all money in the several ditch funds of said county to the parties who paid the same into the county treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county treasurer of Medina county shall pay over all money now in the several ditch funds of said county to the par-

ties who paid the same into the county treasury, or to their heirs or assigns, provided, that if there has been any money paid out of any of said funds, then the balance remaining to the credit of said funds and unexpended shall be paid back to the several parties paying the same into the county treasury or to their heirs or assigns in proportion to the amount paid into the county treasury by each.

SECTION 2. That the county auditor of Medina county is hereby authorized to issue his warrants upon the county treasurer of said county in accordance with the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 35L

[House Bill No. 10.]

AN ACT

To authorize the trustees of Van Buren township, Putnam county, to issue bonds and levy a tax for the purpose of paying off the bonds of said township, issued under an act passed April 13, A. D. 1880; and an act amendatory thereto, entitled, "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve public highways in said townships; and for other purposes," passed April 19, 1881.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of Van Buren township, Putnam county, and state of Ohio, are hereby authorized to issue bonds of said township of Van Buren to the amount of thirty thousand ($30,000) dollars for the purpose of providing for the payment of the bonds of said township issued by the said board of trustees pursuant to an act passed April 13, 1880, and an act amendatory thereto, entitled "An act to authorize the trustees of certain townships in Putnam county, state of Ohio, to levy taxes to improve the public highways in said townships, and for other purposes," passed April 19, 1881.

SECTION 2. That said bonds shall be issued in denominations of five hundred ($500) dollars each; and all of said bonds shall be issued to mature at such time as said board of trustees shall determine; but to not exceed fifteen years from the date of their issue; and shall bear interest at a rate not to exceed six per cent (6%) per annum, payable semi-annually, said bonds shall be sold to the highest bidder, but shall not be sold for less than their par value; and said bonds shall be signed by the trustees of said township and countersigned by the clerk of said township.

SECTION 3. That it shall be the duty of said board of trustees to issue and sell said bonds at such times and in such amounts as will provide a fund to pay off as they become due, the bonds of said township now outstanding, and issued pursuant to said act passed April 13, 1880, and acts amendatory thereto; and the proceeds arising from the

sale of said bonds shall be applied in the payment of said bonds now outstanding.

SECTION 4. That said board of trustees are hereby authorized and empowered to levy annually a tax not to exceed seven mills (.007) on the dollar, in addition to other taxes authorized by law, on all the taxable property of said township, for the purpose of paying the principal and interest on the bonds in this act authorized to be issued.

SECTION 5. That the levy provided for herein shall be placed upon the tax duplicate and collected as other taxes, and when collected shall be paid over to the township treasurer of said township of Van Buren, and shall be under the control of said trustees; and said township treasurer shall receive as his compensation for receiving and paying out said money one-half of one per centum (½%) of the amount so received and paid out.

SECTION 6. That said trustees are hereby prohibited from issuing additional bonds under said original act passed April 13, 1880, and any act amendatory thereto, passed April 19, 1881.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 36L

[House Bill No. 314.]

AN ACT

To authorize the board of education of Coldwater special school district, of Coldwater, Ohio, to issue additional bonds to complete and furnish their new school house.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Coldwater special school district, of Coldwater, Mercer county, Ohio, be and it is hereby authorized and empowered to issue additional bonds not to exceed the sum of five thousand dollars ($5,000.00) for the purpose of completing and furnishing their new schoolhouse.

SECTION 2. Said bonds shall be issued by said board and signed by the president, and attested by the clerk thereof; they shall be of the denomination of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) each, and payable at such time or times as said board may determine, not exceeding twenty years from the respective dates thereof, and to bear interest at a rate not to exceed four per cent. (4%) per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, and at public or private sale, as said board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes to be levied in addition to those now authorized by law, to pay the principal and interest of said bonds, as the same shall become

due, in the manner provided by law for the levying and collecting of taxes for school and schoolhouse purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 37L

[House Bill No. 114.]

AN ACT

To authorize the council of the incorporated village of Girard, Trumbull county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Girard, Trumbull county, Ohio, be and it is hereby authorized to transfer a surplus of eleven hundred dollars ($1100) from the light fund to the street fund of said village of Girard, Trumbull county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 38L

[House Bill No. 96.]

AN ACT

To fix the compensation and duties of the county commissioners of Ohio, Noble county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Noble county, Ohio, shall each receive a salary of seven hundred dollars ($700.00) per annum, payable in equal monthly installments out of the county fund, by the county treasurer, upon a warrant of the county auditor; and each commissioner shall devote his entire time, or so much of it as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of the county on official business pertaining to their office, each commissioner may, in addition to such salary, receive his actual expenses and no more, which shall before being paid, be pre-

sented in an itemized account to, and approved in writing by, the prosecuting attorney and probate judge.

SECTION 2. The county commissioners of said county shall cause a perfect and complete itemized statement of receipts and disbursements of their office to be published in two county papers of said county of opposite political faith, in the first week of September of each year.

SECTION 3. The county commissioners of said county shall not grade or plow any public road between the dates of the first day of September of each year and the first day of April of the next year, except in case of an emergency occasioned by a washout or other accident.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 39L

[House Bill No. 159.]

AN ACT

To authorize the commissioners of Adams county to reimburse Benjamin K Swearengen for money paid out as expense in the pursuit, arrest and conviction of Joshua Hodge and Frank Johnson, for horse stealing.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Adams county be and they are hereby authorized to pay to Benamin K. Swearengen such sum of money as they may deem just and reasonable, not to exceed one hundred and twenty dollars ($120.00), expense by him incurred in the pursuit, arrest and conviction of Joshua Hodge and Frank Johnson for horse stealing.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 40L

[House Bill No. 83.]

AN ACT

Providing for the erection of tool houses in Beaver township, Mahoning county, Ohio, and authorizing the trustees of that township to levy a tax therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Beaver township, Mahoning county, Ohio, are hereby authorized to erect at a cost not exceeding

four hundred dollars, two buildings in said township to be used for the purpose of storing therein the township tools and other township property. Said township trustees are hereby authorized to levy a sufficient tax, in addition to all other taxes now authorized by law, upon all the taxable property within said township, for the payment of the cost of said improvement.

SECTION 2. Until said tax be levied and paid, the said trustees are hereby authorized to borrow in payment of said improvement the sum of four hundred dollars at a rate of interest not exceeding 6 per cent. per annum, and said tax, when raised as aforesaid, is to be applied to the discharge of said indebtedness.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 41L

[House Bill No. 29.]

AN ACT

To authorize cities of the second grade of the first class to borrow money and issue bonds therefor for the construction and repair of main sewers.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That cities of the second grade of the first class be and the same are hereby authorized to borrow money, in addition to any sums heretofore authorized, in such sum or sums, and at such time or times, as the council of any such city may deem best, not to exceed the sum of two million dollars, at a rate of interest not to exceed five (5) per centum per annum, payable semi-annually, for the purpose of constructing main sewers, (which designation shall include trunk or intercepting sewers, so-called), and for the purpose of providing a fund for the payment of that part of the cost and expense of the construction of such main sewers as the council may apportion to be paid by the city at large, in accordance with an act passed April 16, 1883, (80 O. L., 143), entitled "An act to provide for the construction and repair of sewers in cities of the second grade of the first class," as amended April 16, 1896, any such city is hereby authorized to issue its bonds, in addition to any bonds heretofore authorized, not to exceed the sum of two million dollars, as the council may from time to time direct, and payable at such time or times not exceeding thirty (30) years from their date, as the council may determine. Such bonds shall in all respects conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 42L

[House Bill No. 218.]

AN ACT

To authorize the council of the incorporated village of Georgetown, Brown county, Ohio, to lease, sell, transfer or assign the interest and rights which said village may have in the right of way, and roadbed of a railway begun by said village, under the authority of an act of the general assembly, passed May 9, 1879 (76 O. L., 138) and not completed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Georgetown, Brown county, Ohio, be and it is hereby authorized and empowered to lease, or to sell, transfer and assign in fee simple, by good and sufficient deed, to any person, persons, partnership or corporation as it may deem advisable and upon such terms and conditions as it may deem for the best interests of said village, any and all of the right, title and interest of said village in the right of way and roadbed of the Georgetown and Sardinia Railway, and which is now owned by said village and which was constructed and procured by it under the authority of an act of the general assembly of the state of Ohio passed May 9, 1879 (76 O. L., 138).

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 4, 1902. 43L

[House Bill No. 232.]

AN ACT

For the relief of Milo P. Street, of Clinton township, Franklin county, Ohio, and his sureties.

WHEREAS, Milo P. Street, was, at the April election, A. D. 1899, duly elected township treasurer of the township of Clinton, Franklin county, and state of Ohio; and whereas said Milo P. Street, duly qualified as such treasurer, and duly entered upon the duties of such treasurer as provided by law, and did with the knowledge and consent of the board of education of said township, and with the knowledge and consent of the township trustees of said township, deposit in his name as such treasurer, in good faith, certain funds of said township, to-wit, the sum of six thousand and thirty-three and 16-100 dollars ($6,033.16) in and with the banking house of Reinhard & Company, of Columbus, Ohio, one thousand nine hundred and forty-six and 21/100 dollars, ($1,946.21) thereof belonging to the trustees of said township and four thousand and eighty-six and 96/100 dollars, ($4,086.96), thereof belonging to the board of education of said township; and,

WHEREAS, Said money so belonging to said township and to said trustees and to said board of education was so deposited by said Milo P. Street, as such treasurer, because said township of Clinton was not provided with a safe or vault or other place for the safe keeping of the funds thereof, as required by law; and,

WHEREAS, While said money was so deposited, the said Reinhard & Co., as such bankers, did on the 10th day of April, 1900, suspend payment and thereafter, to-wit, on the 10th day of August, 1900, were adjudged bankrupt; and,

WHEREAS, Since that assignment and since Reinhard & Co., were declared bankrupts as aforesaid, a dividend has been paid to said Milo P. Street as such treasurer, upon said claim against said Reinhard & Co., in the sum of nine hundred and twenty-three and 07/100 dollars, ($923.07), being a dividend of fifteen per cent thereon; and,

WHEREAS, Said Milo P. Street as such treasurer, in depositing said funds was wholly without fault or negligence, on his part; and,

WHEREAS, After said loss in said bank, the said Milo P. Street became a candidate for said township treasurer for a third term and was duly elected to such office by the electors of said township, they at that time having full knowledge of all the above recited facts; and,

WHEREAS, The said qualified electors of said township have duly approved of the conduct of said Milo P. Street in the premises and are, with full knowledge of all the facts and circumstances, as above indicated, entirely satisfied that said Milo P. Street acted in good faith and should be relieved and reimbursed for the loss so sustained, said relief to be given and reimbursement to be made by said Clinton township; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of said Clinton township, Franklin county, Ohio, and the township trustees of said Clinton township, are hereby severally authorized to reimburse and repay to said Milo P. Street any and all amounts lost to said township or to him as said treasurer on account of the failure of said Reinhard & Co., bankers, as aforesaid, said reimbursement and repayment to be made and paid out of any funds now in the treasury of said township or that may come into the treasury of said township hereafter, and which may be devoted to said purpose; and if there should not be sufficient funds to so repay the amount so lost and reimburse said Milo P. Street as aforesaid, then, and in that event, said board of education of said Clinton township and said board of trustees of said Clinton township are hereby authorized to assess a tax upon all taxable property of said township in addition to the taxes now authorized by law, sufficient to raise the sum found by them necessary to be raised to so reimburse, and repay to said Milo P. Street, the sum so lost as aforesaid by said Street.

SECTION 2. The board of education of said Clinton township and board of trustees of said Clinton township, are hereby authorized to pay said Milo P. Street, as such treasurer, and release him and his sureties on his official bond as treasurer of said township from the payment of the amount so lost as aforesaid; and said treasurer and his sureties shall not hereafter be held liable for the payment of said money.

SECTION 3. This act shall take effcet and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902. 44L.

[House Bill No. 206.]

AN ACT

To authorize cities of the second grade of the second class to transfer funds.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any city of the second grade of the second class which is, or may be, divided into sewer districts, and in which there is, or may be, in the fund of any sewer district of such city an unexpended balance not needed for the purposes for which said fund was created, the board of city affairs of such city is authorized and empowered to transfer such unexpended balance to the stormwater sewer fund to be used for the construction of stormwater sewers in such city.

SECTION 2. That where any city of the second grade of the second class there is, or may be, in the city building sinking fund an unexpended balance which is not needed for the purposes for which such fund was created, the board of city affairs of such city is authorized and empowered to transfer such unexpended balance to the city building fund to be used for the purpose for which the city building fund is used.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 45L

[House Bill No. 148.]

AN ACT

To authorize the council of the city of Kenton, Hardin county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Kenton, in Hardin county, Ohio, be, and it hereby is, authorized to transfer the sum of four thousand three hundred and forty-seven dollars and ninety-three cents ($4,347.93) from the waterworks sinking fund to the waterworks improvement extension fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 46L

[House Bill No. 194.]

AN ACT

To erect a statue or suitable monument to the public services of the soldiers and sailors of Harrison county, Ohio, and to submit the question of levying a tax to defray the expenses of the construction of said monument to the qualified electors of said Harrison county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the court of common pleas of Harrison county, Ohio, shall appoint a commission of seven citizens of said Harrison county, Ohio, who shall serve without compensation, who are authorized to contract for and have erected a statute or other suitable monument, in Harrison county, Ohio, in commemoration of the public services of the soldiers and sailors of Harrison county, Ohio, at an expense of not more than twenty thousand dollars ($20,000.00).

SECTION 2. To defray the expenses of the construction and erection of said monument, the commissioners of said Harrison county, Ohio, are required to levy and assess upon the grand duplicate of the taxable property of said county, one-half of one mill on each dollar in the years 1902, 1903, and 1904, as hereinafter provided.

SECTION 3. Before such tax shall be levied the question of such levy, shall be submitted to a vote of the qualified electors of said Harrison county, at the election in April next. The commissioners shall have lawful ballots prepared as follows: Soldiers' and sailors' monument, yes. Soldiers' and sailors' monument, no. If a majority of said votes cast be in the affirmative, the commissioners shall levy and assess said tax at one-half of one mill on the dollar, each year herein provided, but not otherwise.

SECTION 4. If a majority of the votes cast be in the affirmative the commissioners of Harrison county, for the levy of the years 1902, 1903 and 1904, as provided for by this act, shall immediately issue bonds of said county of Harrison, for the amounts of the levies, for the years 1902, 1903 and 1904; said bonds are not to run longer than five years from date and bear four per cent. interest, payable semi-annually, and are to be sold for not less than the par value thereof.

SECTION 5. If the taxes shall be levied and the bonds sold as herein provided, the commisioners appointed by the court of common pleas shall draw the money from the treasury of said Harrison county, from time to time, through the warrants of the county auditor of said county, as it may be required to pay for the construction and erection of said monument. Said comissioners shall have power to receive donations or bequests to carry out fully the object and intent of this act in the erection of said monument.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902

47L

[House Bill No. 431.]

AN ACT

To authorize certain villages to issue bonds, purchase real estate and to establish public libraries.

[WILMINGTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any village which has a population of not less than 3,610 nor more than 3,615 be and it is authorized and empowered to issue and sell bonds, for the purpose of purchasing real estate upon which to erect a free public library building, and for the purpose of aiding in constructing and in furnishing the same, in any amount not to exceed four thousand dollars, in denominations not larger than one thousand dollars, nor less than one hundred dollars each, bearing not more than five per cent. interest per annum payable semi-annually and maturing at any time, not more than ten years from the date of their issue, as such council may determine. Such bonds shall be known as "Public library bonds," and shall not be sold for less than their par value and accrued interest, and in all respects, not herein provided for, their issuance, form and sale, shall be controlled by the general provisions of the revised statutes of Ohio, regulating the issuance, form and sale of municipal bonds. The funds arising from the sale of said bonds to be used for no other purpose than that contemplated by this act.

SECTION 2. That the council of any such village shall be authorized and empowered to appropriate, or otherwise acquire, such private property as in its judgment may be needed for the purpose mentioned in the foregoing section of this act.

SECTION 3. To pay the interest and principal upon such bonds as the same shall become due, the council of such village shall, annually, levy upon all the taxable property of such village, a tax sufficient in rate and amount to pay the interest, and to provide a sinking fund to pay such bonds at maturity; and such tax may be additional in rate and amount, to all other taxes authorized to be levied for any and all purposes. Such taxes shall be levied and collected as other taxes of such villages.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 48L

[House Bill No. 89.]

AN ACT

To provide for bridge bonds for cities of the second grade of the second class.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any city of the second grade of the second class, the board of city affairs is authorized and empowered to issue and sell the bonds of such city in an amount not exceeding one hundred

and twenty thousand dollars ($120,000.00), for the purpose of providing money to construct and erect a new bridge, including superstructure, masonry, approaches and all else pertaining thereto, across any watercourse flowing through such city and at a public street of such city, where there is or may be a bridge over such watercourse and in such city, deemed by such board of city affairs inadequate to the needs of public traffic, and crossed by the tracks of a street railroad company which has agreed, or may agree, with such city to pay to it upon the completion of such new bridge, either in cash or ten annual installments a sum equal to one-third (1-3) of the cost of such new bridge, but such payment by such company not to exceed forty thousand dollars ($40,000.00), toward defraying the cost thereof. The money arising from the sale of such bonds under this section shall be paid into the treasury of such city and shall be used only for the purpose aforesaid in this section.

SECTION 2. That in case such board of city affairs issues bonds and proceeds under section 1 hereof, and shall deem it conducive to the public interest so to do, such board is authorized and empowered further to issue and sell the bonds of such city in a further amount not exceeding fifteen thousand dollars ($15,000.00), for the purpose of providing money to remove the bridge which is superseded by such new bridge to some other point in such city, across said watercourse and to pay for the removal, and reconstruction and the necessary masonry and approaches and necessary land and all other things incident to such removal and reconstruction. The money arising from the sale of bonds under this section shall be paid into the treasury of such city and shall be used only for the purposes specified in this section.

SECTION 3. That such board of such city is further authorized and empowered to issue and sell the bonds of such city in a further amount not exceeding one hundred and forty thousand dollars ($140,000.00), for the purpose of providing money to construct and erect a new bridge, including superstructure, masonry, approaches and all else pertaining thereto, across any watercourse flowing through such city, and at a public street of such city, where there is or may be a bridge over such watercourse in such city, deemed by such board of city affairs inadequate to the needs of public traffic, and crossed by the tracks of a street railroad company, which has agreed, or may agree, with such city to pay to it upon the completion of such new bridge such sum either in cash or ten annual installments as may be determined by the council and board of city affairs of such city, to be the proportion which should justly and equitably be paid by such company toward defraying the cost thereof. But in case such company shall not, within 30 days after such sum is determined by such council and board of city affairs as the proportion which such company ought to pay toward the cost of such new bridge, agree to pay such sum to such city, such city may nevertheless issue the bonds and construct the new bridge, provided for by this section, and upon completion of such bridge, if such company shall operate any of its cars across same, or permit any cars to be operated on its road across such bridge, such company shall be deemed to have consented and agreed to pay to such city the sum so determined by such council and board of city affairs, as the amount which such company should justly and equitably pay toward defraying the cost of such bridge, and such city may maintain an action at law to collect the sum so determined as aforesaid. The money arising

from the sale of bonds under this section shall be paid into the city treasury and shall be used only for the purposes specified in this section.

SECTION 4. That the bonds provided for in sections 1 and 3 hereof shall be entitled "Bridge bonds," and the bonds provided for in section 2 hereof shall be entitled "Bridge removal bonds." All the bonds provided for by this act shall run for such length of time not exceeding thirty (30) years, and shall bear such rate of interest not exceeding four (4) per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs and by the city comptroller, and shall be sealed with the comptroller's official seal, and shall be in denominations of one thousand dollars ($1,000.00) each. Such bonds shall bear upon their face a reference to this act and shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

SECTION 5. That for the purpose of paying the principal and interest of any bonds issued and sold hereunder, the authorities of such city are empowered to levy and collect each year upon the tax duplicate until all bonds issued hereunder are paid, a tax not exceeding five (5) tenths of one (1) mill on each dollar of valuation of all taxable property in such city, in addition to all other taxes now, or that may hereafter be authorized by law.

SECTION 6. That all money paid to such city by any street railroad company toward defraying the cost of any new bridge hereby provided for shall be used and applied only toward paying the principal and interest of bonds issued for the purposes of the particular bridge on account of which such payment is made.

SECTION 7. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 49L

[House Bill No. 551.]

AN ACT

To authorize the board of education of the city of Portsmouth, Ohio, to issue and sell bonds for school purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the city of Portsmouth, Ohio, be, and said board hereby is authorized to issue and sell the bonds of said city in a sum not exceeding thirty-eight thousand ($38,000) dollars for the purposes hereinafter mentioned.

SECTION 2. Any bonds issued and sold under the provisions of this act shall be of such denominations, running for such length of time not exceeding twenty years, and at a rate of interest not exceeding six per cent. per annum, as the board of education may deem proper.

SECTION 3. Before any of such bonds shall be sold, thirty days' notice thereof shall be given by publication in a newspaper of general circulation in such city; and in the sale of said bonds the said board of education may, if it deems it for the best interest of said school district, sell the same in two or more installments and at different times.

SECTION 4. The moneys arising from the sale of any such bonds shall be used and employed by the said board of education in the building, finishing and furnishing of a school building in the "Highland addition" in said city, the same to be located on lots numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, and numbers thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight and thirty-nine in said addition, and to build, finish, and furnish a high school building on what is known and designated as the "Davis property," owned by the board of education of said city; providing, however, that if there shall remain any surplus from the sale of any such bonds over and above the amount necessary for the objects aforesaid, said board of education may use and employ such surplus for such purposes as may to the board seem proper.

SECTION 5. For the purpose of providing for the payment of any bonds issued under the provisions of this act, and for the interest thereon as the same may mature, said board of education shall cause to be levied upon the taxable property within said city such rate in addition to the taxes now authorized by law as may be necessary. In the issue and sale of such bonds, the expenditure of all moneys arising therefrom, and in providing for the payment of such bonds and accruing interest thereon, the said board of education shall be governed by the provision of existing law, excepting as otherwise provided in this act.

SECTION 6. This act shall take effect and be in force from and after its pasage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 50L

[Senate Bill No. 86.]

AN ACT

To provide for the issue of park bonds for boulevard purposes in cities of the third grade of the first class.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the third grade of the first class the board of park commissioners thereof shall have the power to lay off, create, establish, improve, protect and maintain a system of boulevards, and to construct, furnish and maintain the necessary buildings and nurseries for trees, plants and shrubbery, for the planting of the same in the improvement of such boulevards, and for the purpose of providing means for payment of the expense thereof, the bonds of such

city shall be issued by said board of park commissioners payable a such time or times as shall have been determined by said board, r exceeding twenty-five years from the date thereof, with interest r exceeding three and one-half per centum (3½) per annum, payable sc annually, which bonds shall be designated as "Park bonds for bo vard purposes," and shall be signed by the president of such board, a the mayor and auditor of such city, and shall be sold at not less th par in the manner provided by law; and upon the adoption by any s board of park commissioners of a plan and system of boulevards for a such city or of their extension and improvement, such bonds not ex ceeding the sum of one hundred thousand dollars may be issued, and the succeeding year thereafter such bonds not exceeding the furth sum of seventy-five thousand dollars may be issued. The said bon herein provided for may be issued in addition to any other bonds by law otherwise provided for said purposes; provided that in case a such city shall be located on both sides of a river, the aggregate ex penditures from time to time, on any one side of the river, out of funds herein provided for, shall not exceed four-fifths of the am realized from the sale of such bonds, and the remaining one-fifth such fund shall be expended on the other side of the river, by said boa for boulevard purposes.

SECTION 2. For the purpose of paying the interest and princip of the bonds issued under the provisions of this act, as the same sh become due, the common council of any such city shall levy annu upon the taxable property, real and personal, in such city, a tax su cient to pay the same in addition to all other taxes authorized by law.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 13, 1902. 51L

[House Bill No. 233.]

AN ACT

To provide an official stenographer for Guernsey county, Ohio.

Be it enacted by the General Assembly of the State of Ohio.

SECTION 1. The court of common pleas of Guernsey county, Ohio, or a judge thereof in vacation, shall, on the first secular day of May in the year 1902, and annually thereafter on the first secular day of May, appoint a person, skilled in the profession of stenographic writing and reporting, as official stenographer of the court of common pleas of said county, and immediately upon the making of such appointment shall cause the same to be entered upon the current journal of said court.

SECTION 2. Such stenographer shall, before entering upon the duties of such office, qualify therefor by taking and filing with the clerk of said court an oath to faithfully and impartially discharge the duties of said office; and a failure or refusal for the space of ten days from the entry

of such appointment to take and file such oath shall be deemed a resignation of such office, and shall cause a vacancy therein to be filled as hereinafter provided. Such stenographer shall hold such office for the term of one year from and including the date of such appointment, and until a successor be duly appointed and qualified, and shall be ex officio the official stenographer for the circuit court and probate court of said county. At all times while serving in said office said official stenographer shall reside in said county. At any time said official stenographer may be removed from said office by said court of common pleas, or by a judge thereof in vacation for neglect of duty, disability, misconduct or incompetency; and immediately upon such removal the court or judge making the same shall cause the fact thereof and the ground therefor to be entered upon the current journal of said court of common pleas, which entry shall at all times and places answer as lawful evidence of such removal and of the termination of such office and as sufficient notice to said removed officer thereof.

SECTION 3. The salary of such official stenographer shall be three hundred dollars ($300) per annum, which shall be paid in quarterly installments, at the end of each quarter, out of the judicial or court fund in the treasury of said county, and at the end of each quarter in any and every such term the auditor of said county shall, upon request of such official stenographer at the time, issue his warrant upon the county treasury in accordance with the provisions hereof, which said treasurer shall pay upon presentation out of said fund.

SECTION 4. When demanded by any party to a cause tried in any of the modes provided by the laws of Ohio in any of said courts such official stenographer shall attend such trial and make accurate stenographic notes of all the testimony of witnesses adduced therein, of all offers of testimony, rulings thereon and exceptions to any ruling in such trial, of all opinions or decisions rendered or made, of all instructions to the jury when not made in writing, and of all such proceedings upon such trial as a party may request or the trial judge or the court direct; and any and every hearing upon evidence shall be a trial within the purview hereof. All such notes shall be and remain the property of said county, and be carefully preserved, marked for identification and filed in the office of such stenographer hereinafter required. If at any time the services of such stenographer be required in more than one of said courts at the same time, said court of common pleas shall have precedence of the others, and said circuit court shall have precedence of said probate court. Upon the request of a party to any such cause said official stenographer shall diligently make an accurate and legible transcript into longhand, by typewriter or pen and ink, of the notes so taken or any designated part thereof, to be forthwith paid for at the rate herein provided, by the party ordering the same; except that any such transcript may be requested by the prosecuting attorney for said county, or by the court or trial judge for their or his use, and the same, or any transcripts requested by a defendant in a criminal case to whom the court has assigned counsel, shall be by the official stenographer certified in writing to the clerk of said court of common pleas, who shall forthwith compute in accordance herewith the cost thereof and certify the same in writing to said county auditor, whereupon said county auditor shall draw in favor of such official stenographer his warrant upon the county treasurer of said county for such amount so certified, and, upon presentation of such warrant, such treasurer shall pay the same out of said judicial court fund in said treasury. If, upon the

further progress of any such cause, either upon appeal or in error, a such transcripts so requested by such prosecuting attorney, or by a of such courts or a judge or judges thereof, or by such defendan such criminal case, be used by or in behalf of a party, such certified thereof shall be taxed as costs in said cause and shall be adjudged collected as other costs, and when collected, or quarterly, shall be by clerk paid into such fund in said treasury, and for all purposes sha a part of such fund. When requested by a judge or judges of an said courts wherein a cause is pending said official stenographer sh without charge or compensation, diligently and accurately take, fr the dictation of such judge or judges, opinions, decisions, instruc to juries or the like, and, if requested, and likewise without charg compensation, diligently furnish to such judge or judges such tra scripts thereof.

SECTION 5. Except as to those hereby required to be made a furnished without charge or compensation, for all such transcripts ma said official stenographer shall be entitled to charge and receive eight cents for each one hundred words thereof, except that if at one time same party or parties, or the prosecuting attorney require more than such transcript of the same matter, for each additional transcript s stenographer shall be entitled to charge and receive but one-third (1-3 of said rate.

SECTION 6. In every case in any of said courts wherein the service of such stenographer for reporting are required, a per diem of three d lars for each day or part thereof shall be taxed as costs in said cause, to be adjudged and collected as other costs, and which, when collected, shall b by said clerk paid over as aforesaid into said treasury and said fund.

SECTION 7. The board of county commissioners shall provide fo said official stenographer a suitable room in the court house of sai county, which shall be, and be occupied as, the office of such stenographe and said board shall provide also all necessary stationery and necessar furniture therefor, exclusive of typewriting machine. The cost there shall, from time to time, be paid upon the order of said board, and war rant of said auditor, out of said judicial and court fund in said treasur

SECTION 8. A vacancy in said office hereby created may be caus by death, removal from office as aforesaid, resignation of the incumbe accepted by said court of common pleas or a judge thereof in vacation a evidenced by entry upon the current journal of said court, or by fail or refusal to qualify as herein provided. Such vacancy shall be fille an appointment in the same manner, under like restrictions and condition and with the same effect as if the same were an original appointme except that, in such case the appointment to fill vacancy shall be for th unexpired term if the case so require.

SECTION 9. If the appointment required by section one (1) of th act be not made at the time therein specified, it may be made in like ma ner and with like effect in all respects at any time during the next ensuin or then current term of said court of common pleas; but if so made sha be to endure only until the first secular day of May next following, a until the successor be duly appointed and qualified.

SECTION 10. Said official stenographer may, with the approval of said court of common pleas or a judge thereof in vacation, entered upon the current journal of said court, but not otherwise, employ an assistan

or assistants, but such assistant or assistants shall not be eligible to act as official stenographer in any trial of a cause.

SECTION 11. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed March 14, 1902. 52L

[House Bill No. 253.]

AN ACT

To repeal an act entitled "An act to authorize a county road to be established over and through the real estate of the state of Ohio in Richland county, Ohio," as passed March 12, 1887 (Vol. 84, p 354.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to authorize a county road to be established over and through the real estate of the state of Ohio in Richland county, Ohio, passed March 12, 1887 (Vol. 84, p. 354) be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed March 14, 1902. 53L

[House Bill No. 214.]

AN ACT

To create the office of deputy auditor, deputy sheriff, and deputy treasurer in and for the county of Athens, and to fix the salaries of said officers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There is hereby created, in and for Athens county, Ohio, the offices of deputy auditor, deputy sheriff, and deputy treasurer, and the salaries of said officers are fixed as follows: Salary of the deputy auditor shall be nine hundred ($900) dollars per year, payable in equal monthly installments out of the county treasurer; the salary of the deputy treasurer shall be the sum of five hundred ($500) dollars per year, payable in equal monthly installments from the county treasury; the salary of the deputy sheriff shall be twelve hundred ($1,200) dollars per year, payable in equal monthly installments from the county treasury. The auditor, treasurer and sheriff of said county of Athens, shall each have

the power to appoint their respective deputies, who shall at all times be under the control and direction of their respective superior officers. Each deputy may be required to give bond for the faithful performance of his duties, and shall be removable from his office at the pleasure of his respective superior officer.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed March 14, 1902. 54L

[House Bill No. 394.]

AN ACT

To authorize the council of the village of Cridersville, Auglaize county, Ohio, to borrow money for the purpose of building an electric light plant and to issue bonds of said village for said purpose.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the village of Cridersville, Auglaize county, Ohio, be, and the said council is hereby authorized and empowered, for the purpose of building an electric light plant within said village, to borrow a sum of money not exceeding twenty-five hundred dollars ($2500.00), and to issue the bonds of said village therefor, in denominations of five hundred dollars ($500.00), said bonds bearing interest not to exceed six per cent., payable semi-annually.

SECTION 2. The council of said village shall determine the time for which said bonds shall be issued, and shall levy taxes annually, in addition to the levies now authorized by law, to pay the interest on said bonds as it shall accrue, and to provide for the payment of said bonds at maturity, and said taxes shall be levied and collected as other taxes.

SECTION 3. The bonds herein authorized shall be issued in pursuance of this act and on an ordinance of said village council; they shall be signed by the mayor and attested by the clerk. The sale of said bonds shall be advertised for such time as the council may determine, and said bonds shall not be sold for less than par value and accrued interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 55L

[House Bill No. 576.]

AN ACT

To divide Miami township, Clermont county, Ohio, into five election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Miami township, Clermont county, are authorized to divide said township into five voting precincts; one to be located in the village of Milford, one in the village of Loveland, one in the village of Perintown, one in the village of Miamisville and one in or near the village of Mulberry, at the direction of such trustees.

SECTION 2. The trustees shall assign such territory to each of these precincts as shall make them as near equitable in size and convenient to reach as possible.

SECTION 3. That an act known as senate bill No. 286, passed April 16, 1900, of O. L., Vol. 97, page 686, being an act to divide Miami township, Clermont county, into four election precincts, be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 56L

[House Bill No. 698.]

AN ACT

To divide the village of North Baltimore, Wood county, Ohio, into wards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the corporate territory of the village of North Baltimore, in Wood county, (a village of the first class), be, and the same is hereby divided into four (4) wards, to be known as the first, second, third and fourth wards, respectively.

The first ward shall consist of that part of the village bounded as follows: On the north by the north line of the corporation; on the east by the center line of Main street; on the south by the center line of the right of way of the Baltimore and Ohio Railroad Company; and on the west by the west line of the corporation.

The second ward shall consist of that part of the village bounded as follows: On the north by the center line of the right of way of the Baltimore and Ohio Railroad Company; on the east by the center line of Main street; on the south by the south line of the corporation; and on the west by the west line of the corporation.

The third ward shall consist of that part of the village bounded as follows: On the north by the center line of the right of way of the Baltimore and Ohio Railroad Company; on the east by the east line

of the corporation; on the south by the south line of the corporation; and on the west by the center line of Main street.

The fourth ward shall consist of that part of the village bounded as follows: On the north by the north line of the corporation; on the east by the east line of the corporation; on the south by the center line of the right of way of the Baltimore and Ohio Railroad Company; and on the west by the center line of Main street.

SECTION 2. That each of said wards shall be represented by two councilmen.

SECTION 3. That at the next ensuing annual election of corporation officers of said village there shall be elected to serve with those councilmen holding over from the previous election, as follows: From the first ward, one councilman to serve for one year, and one councilman to serve for two years. From the third ward, one councilman to serve one year, and one councilman to serve two years. From the fourth ward one councilman to serve two years. And thereafter there shall be elected at each ensuing annual election of corporation officers from said first, third and fourth wards, one councilman to serve for the term of two years.

SECTION 4. The [There] being two councilmen now holding over from the second ward, there shall be elected at the annual election of corporation officers to be held on the first Monday in April, 1903, one councilman to serve for one year, and one councilman to serve for two years from said ward; and thereafter at each ensuing annual election of corporation officers one councilman to serve for the term of two years.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 57L

[House Bill No. 713.]

AN ACT

To authorize the board of county commissioners of Summit county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Summit county, Ohio, be and said board is hereby authorized to transfer the sum of forty thousand dollars from the poor fund of said county, to the building fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 58L

[House Bill No. 516.]

AN ACT

To authorize the auditor of Franklin county, Ohio, to issue a certain warrant.

WHEREAS, In the due course of business checks were received by Nelson A. Sims, as treasurer of Franklin county, Ohio, for the payment of taxes, in the aggregate amount of ten thousand one hundred and thirty-five dollars ($10,135.00) which were placed for collection by said treasurer in the banking house of Reinhard & Company, a bank then of good financial repute, and in the regular operation of business; and

WHEREAS, Said Reinhard & Company on the 12th day of April, 1900, made a general assignment for the benefit of its creditors, after said checks had been collected, and before said treasurer in the ordinary course of business had received payment from said Reinhard & Company; and

WHEREAS, A dividend of fifteen per cent. and no more has been paid to the creditors of said Reinhard & Company, including the said county treasurer, leaving a balance of eight thousand six hundred and fifteen and 8-100 dollars ($8,615.08) unpaid by Reinhard & Company on said claim, which said amount has been duly paid into the county treasury by Nelson A. Sims individually, now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That to reimburse said Nelson A. Sims for money lost in the failure of Reinhard & Company, the auditor of Franklin county, Ohio, be, and he hereby is authorized and directed to issue his warrant on the county treasury of Franklin county, Ohio, in favor of Nelson A. Sims, for the sum of eight thousand six hundred and fifteen and 8-100 dollars, payable out of any money in the county treasury, or that shall come into it, to the credit of the general expense fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 59L

[Senate Bill No. 18.]

AN ACT

To authorize [Authorizing] cities of the second grade of the first class to issue bonds to pay the cost of street openings.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class be and the same is hereby authorized to issue and sell its bonds, not exceeding in amount the sum of four hundred thousand dollars, for the pur-

pose of widening, opening and extending streets within such city; such bonds to be issued and sold in the manner provided by law, to mature not [later] less than thirty years from the date thereof, and such cities are hereby authorized to levy a general tax for all, or such part as may be fixed by the council thereof, of the interest and principal of such bonds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 60L

[House Bill No. 693.]

AN ACT

To divide Falls township, Muskingum county, Ohio, into two election precincts

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Falls township, Muskingum county, Ohio be and the same is hereby divided into two election precincts, the boundary of said precincts beginning at the point on the north boundary line of Falls township where Joe's run enters said Falls township; thence down said Joe's run with the meanders thereof, to Licking river; thence from the mouth of Joe's run down said river with the meanders thereof, to a point directly east of the mouth of Timber run thence crossing said Licking river to the mouth of Timber run thence westwardly up said Timber run to the west boundary line of the sixty acre tract of land now owned by Jacob C. and William G. Rehl. Said sixty acre tract being upon the south side of the National pike; thence southwardly along the said west boundary line of said sixty acre tract to the south boundary line of Falls township. The precinct east of said line shall be known as "Precinct A" of Falls township, Muskingum county, Ohio, and that west of said line shall be known as "Precinct B" of Falls township, Muskingum county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 61L

[House Bill No. 554.]

AN ACT

To authorize the commissioners of Guernsey county to levy a tax to build a county soldiers' monument.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Guernsey county, Ohio, shall levy a tax on the taxable property of said county in the aggregate sum of fifteen thousand dollars ($15,000), for the purpose and to be used in [building] build a monument to the memory of the soldiers, sailors and marines who served from, and to the credit of said county, for the preservation of the national government in the late civil war. Said monument to be placed on or near the public square of Cambridge, Ohio, and permanently located thereon.

SECTION 2. Said levy shall be made on two successive years, to-wit: The years 1902 and 1903. One-half thereof on each of the two years; and the money to be so raised, shall be expended in erecting said monument, and for no other purpose, under the management and direction of a board of six trustees, three of whom shall be appointed by the board of commissioners of said county, and three by the trustees of the monumental association of Guernsey county, all of whom shall be ex-soldiers of the late war of the Union, no more than three of whom shall be of one political party, and to serve without compensation, but shall be allowed all necessary travelling expenses, postage and clerk hire. Said board of trustees shall be appointed within sixty days from the passage of this act, and shall make an itemized statement to the county commissioners on or before the fifteenth day of December of each year, of all expenditures of money for the erection of said monument, and their term shall expire only on the completion of said monument, provided said commissioners and monumental association trustees shall have the power and are authorized to remove said trustees, or any of them for good cause, and to fill any vacancies which may result from any cause.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 62L

[House Bill No. 36.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds to pay the cost of repairing damages caused by extraordinary floods and for repayment of temporary loans for emergency sanitary expenses.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class be and the same is hereby authorized to issue its bonds, not exceeding

in amount the sum of seventy thousand dollars ($70,000.00) to pay the cost of repairing damages to streets and public grounds therein wherever the same has been caused by an extraordinary flood or floods, such bonds to be issued and sold in the manner provided by law, to mature not later than thirty years from the date thereof, and a tax is hereby authorized for the payment of interest and principal. The proceeds of the sale of such bonds to be credited to a fund to be designated as "flood damage" fund, and the same shall be used for no other purpose.

SECTION 2. That any city of the second grade of the first class be and the same is hereby authorized to issue its bonds, not exceeding in amount the sum of one hundred and ten thousand dollars ($110,000.00) for the payment of expenses caused by an extraordinary epidemic or epidemics of disease in any such city, such bonds to be issued and sold in the manner provided by law, to mature not later than thirty years from the date thereof, and a tax is hereby authorized for the payment of interest and principal.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 63L

[House Bill No. 503.]

AN ACT

To divide Amanda township, Hancock county, Ohio, into two voting precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Amanda township, Hancock county, Ohio, shall be divided into two (2) election precincts, by a line beginning on the east line of said township at the southwest corner of section fifteen (15) in said township; running thence west on the south line of section sixteen (16), seventeen (17), eighteen (18) and thirteen (13) to the west line of said township.

SECTION 2. All that part of said township north of the above described lines shall be one voting precinct, called "Precinct number one (1)," with the voting place at Vanlue in said township; and all of said township south of said line shall be one voting precinct, called "Precinct number two (2)," with the voting place at such convenient place as the trustees of said township must provide in said precinct and township.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 64L

[House Bill No. 281.]

AN ACT

To increase and provide for the payment of additional salary to the judges of the court of common pleas of the fourth judicial district, residing in Erie county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any judge or judges of the court of common pleas of the fourth judicial district, who resides in Erie county, Ohio, shall receive in addition to the salary now payable out of the state treasury to such judge or judges, the sum of not more than one thousand ($1,000.00) dollars per annum, nor less than five hundred ($500.00) dollars per annum, to be fixed by the county commissioners of said county, and to be paid out of the county treasury upon the warrant of the county auditor, in the same manner and at such times as is provided for the payment of the salary of such said judges out of the state treasury; and when the salary is once fixed by said county commissioners it shall not be increased nor decreased during the residue of the term of such judge or judges.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 65L

[House Bill No. 449.]

AN ACT

To create a special road district in counties having a population of not less than 21,950 nor more than 21,980.

[MEDINA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That counties having a population of not less than 21,950 nor more than 21,980 by the census of 1900, are hereby created special road districts for the purpose of opening, macadamizing, improving, changing or altering and repairing all public highways, which are laid out and established therein, and each township excepting cities and incorporated villages therein are hereby created into sub-special road districts. The trustees shall on the first Monday of March, of each year, divide the township into districts to correspond with the number of supervisors deemed necessary for the proper care of the roads in said township, but said number of districts shall not be more than four nor less than two (2). The trustees of each township in which there is a sub-special road district are hereby empowered to increase or diminish the number of its supervisors, but said number shall not be more than four nor less than two. Said supervisors shall be resident electors of that particular district of the township subdivision, which he superintends.

SECTION 2. The electors of such sub-special road district shall, on the first Monday of April of each year, elect at least two, nor more than four supervisors for each sub-special road district, who shall have all the rights, perform all the duties and be subject to all the liabilities provided for in the Revised Statutes of Ohio. Such sub-special road district supervisors so elected shall receive $2.00 per day for every full day's service of ten (10) hours in the performance of their duties as supervisors of roads and shall give bonds with sureties to the satisfaction of the township trustees, payable to the township trustees for the benefit of the state of Ohio, in the sum of five hundred ($500.00) dollars, conditioned for the faithful performance of their duties; which bond shall be filed with the township clerks of their respective townships, and in counties enumerated in this act, the office of road supervisor is abolished and the trustees shall include in their notice of election for township offices, the office of sub-special road supervisor.

SECTION 3. After the passage of this act, the trustees shall make, or cause to be made a plat of the roads of the several townships which shall be kept in the office of township clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 66L

[Senate Bill No. 181.]

AN ACT

To authorize the county commissioners of Delaware county, [Ohio,] to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The county commissioners of Delaware county, Ohio, be and they are hereby authorized to transfer ten thousand dollars $10,000.00 from the poor funds of said county to the general funds of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 67L

[House Bill No. 38.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds to pay the cost of acquiring and improving parks and park driveways.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any city of the second grade of the first class is hereby authorized to issue and sell its bonds in any sum not exceeding one million four hundred and fifty thousand dollars, at a rate of interest not to exceed four per cent. per annum payable semi-annually in addition to any bonds heretofore authorized, for the purpose of paying the cost and expense of acquiring and improving parks and park driveways; such bonds to be issued and sold in the manner provided by law and to mature not later than thirty years from the date thereof.

SECTION 2. Before any such city shall issue or sell any such bonds, the proposition shall be submitted to the electors of such city of the second grade, first class, at a general or special municipal election to be designated by the mayor of such city, who shall issue a proclamation of such designation and submission, which proclamation he shall cause to be published at least ten days before such election in one or more newspapers of general circulation in such city, and shall cause a copy thereof to be certified to the board of elections in such city. And it shall be the duty of the board of elections in such city when such proclamation is so certified to prepare the ballots and make all necessary arrangements for the submission of such proposition to the electors of such city at the time fixed in such proclamation. Such election shall be held at the usual places of holding elections, by separate ballots, upon which the electors favoring the proposition to issue such bonds shall have written or printed for "Issuance of park bonds," and those opposing the same, against "Issuance of park bonds," which ballots shall be deposited in separate ballot boxes; and all election officers in canvassing such ballots and transmitting the returns thereof shall be governed by the provisions of the statutes on those subjects relating to the election of municipal officers, and the result of such election shall be ascertained and declared in the same way. If a majority of the electors voting upon such proposition vote for issuance of park bonds then such city shall have full power and authority to issue and sell said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 68L

[Senate Bill No. 101.]

AN ACT

To authorize the trustees of Scioto township, Pickaway county, [Ohio,] to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Scioto township, Pickaway county, state of Ohio, be and are hereby authorized to transfer three hundred and fourteen dollars ($314.00) from the cemetery fund of said township to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 69L

[Senate Bill No. 38.]

AN ACT

To amend section 1 of an act entitled "An act to divide Rose township, Carroll county, Ohio, [into two election precincts."]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of the act entitled "An act to divide Rose township, Carroll county, Ohio, into two election precincts," passed April 16th, A. D. 1900 (Ohio Laws, Vol. 94, page 719), be so amended as to read as follows:

Sec. 1. That the township of Rose, in Carroll county, Ohio, be divided into two election precincts, as follows: Beginning on the west line of said township at the southwestern corner of the northwest quarter of section thirty-four (34), in said township, thence by a line due east to intersect the east line of said township at the southeast corner of the northeast quarter of section four (4), in said township.

SECTION 2. That said original section 1 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 70L

[Senate Bill No. 134.]

AN ACT

To authorize cities of the first grade of the second class to issue bonds to cover deficiencies in city funds.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city councils of cities of the first grade of the second class be, and they are hereby authorized to issue the bonds of said cities, in amounts not to exceed one hundred and sixty thousand dollars, and in denomination of not less than five hundred dollars, nor greater than one thousand dollars, with interest coupons attached thereto, interest payable semi-annually, said bonds to be due and payable at such time and place as said council of said cities may, in their discretion, deem for the best interest of said cities, provided, that none of the said bonds shall be due and payable at a longer period than twenty years from the date of issue; said bonds to bear interest at the rate not exceeding four per cent per annum, said bonds to be sold under the statute governing the sale of municipal bonds, and shall not be sold for less than their par value and accrued interest, if any, and the proceeds to be placed in the city treasury to cover any deficiencies existing in the funds of said cities.

SECTION 2. That for the redemption of said bonds and the interest thereon, the city councils of said cities are hereby authorized to levy a tax on all of the taxable property in said cities, in addition to the taxes now authorized by law for such years and in such amounts as shall be necessary to meet and pay the principal and interest of said bonds, as the same may become due and payble.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 71L

[Senate Bill No. 171.]

AN ACT

To authorize the incorporated town of Flushing, Belmont county, to borrow money, and issue bonds therefor, to provide said town with a system of waterworks for protection against fire.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the incorporated town of Flushing, Belmont county, be and it is hereby authorized to borrow, for the purpose of providing a system of waterworks for protection against fire, an amount not exceeding three thousand dollars, and to issue bonds therefor.

SECTION 2. Said bonds shall be signed by the mayor and attested by the clerk of said town, and be of such denominations as the council shall

determine, not less, however, than one hundred dollars nor more than five hundred dollars. Said bonds to bear interest at a rate not to exceed five per cent per annum, payable semi-annually, and not to be sold for less than their par value. The principal and interest of said bonds to be paid at a time, not longer than fifteen years, from the date of issuance of said bonds, to be determined by the council of said town, as by them deemed most expedient for the best interest of said town.

SECTION 3. Before said bonds shall be issued the council of said town shall submit said proposition to issue the same to the electors of said town at a general or special election after giving ten days notice by printed or written notices posted in five of the most conspicuous places in said town, and if a majority of the electors of said town voting on [the] said proposition shall declare in favor of issuing said bonds then and not otherwise said council may issue and sell the same.

Those favoring the issue shall have printed or written on the ticket, "Issue Bonds, yes;" those opposed "Issue Bonds, no."

SECTION 4. The council of said town shall levy on all taxable property thereof such rate of taxation as may be necessary in addition to the taxes now authorized by law to provide for the payment of all accruing interest on such bonds, and for the redemption thereof as the same may mature and become due and payable.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 72L

[Senate Bill No. 105.]

AN ACT

To divide Berne township, Athens county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Berne township, Athens county, Ohio, be and the same is hereby divided into two election precincts, the boundary of said precincts beginning at the east side of said township at the northeast corner of fraction No. 12 in said township and running thence west to the east line of section No. 16; thence south to the southeast corner of section No. 16; thence west to fraction No. 18; thence south to the southeast corner of fraction No. 18; thence west to the east line of section No. 33; thence south to Federal creek; thence following Federal creek a northwest course to the forks of said creek; thence following said Federal creek a southwesterly course to the Ames township east line.

All the land lying north of the above described line to be styled the North precinct of Berne township, Athens county, Ohio.

All [the] land lying south of the above line to be styled the South precinct of Berne township, Athens county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 25, 1902. 73L.

[House Bill No. 484.]

AN ACT

To amend section 9 of an act entitled, "An act relating to the duties and compensation of certain county officers and their assistants in Lawrence county," passed April 11, 1900.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9 of an act entitled, "An act relating to the duties and compensation of certain county officers and their assistants in Lawrence county," passed April 11, 1900, be amended to read as follows:

Sec. 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms, the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with. The sheriff and auditor shall be reimbursed out of the county treasury for actual expenses incurred while out of the county on official business.

The county commissioners may also, at the end of each calendar year, allow the sheriff such further sum as may be necessary to reimburse him for money actually expended for postage, telephone and telegraph service not to exceed the sum of one hundred dollars in any year.

SECTION 2. That said original section 9 of an act entitled "An act relating to the duties and compensation of certain officers and their assistants in Lawrence county," passed April 11th 1900 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 74L.

[House Bill No. 714.]

AN ACT

To enlarge the village school district of Magnetic Springs, Union county, Ohio, and to establish a special school district at Magnetic Springs, Union county, Ohio, to be composed of a part of Leesburg township, Union county, Ohio, and to provide more satisfactory facilities for the education of pupils in said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district, to be known as the Magnetic Springs special school district, "to-wit:"

Beginning at the northwest corner of a tract of land in Leesburg township formerly owned by E. W. Langstaff, thence straight southward to the northwest corner of school district No. 4, of Leesburg township, Union county, thence southward, following the western boundary line of said school district No. 4, to the Isaac Joliff dirt road, thence following said road eastward, to the Beach Grove gravel pike, thence southward on said pike to the southwest corner of a tract of land, formerly owned by Joseph Morey, thence following the southern boundary line of said tract of land, eastward to the Hitchcock dirt road, thence in a southeasterly direction to the southwest corner of a tract of land now owned by Lewis McLean, then following the southern boundary line of said tract of land, eastward to the eastern boundary of Union county, thence following the eastern boundary line of Claiborne and Leesburg townships, thence following the northern boundary of Leesburg township to the point of begining.

SECTION 2. All the school property situated within said special school district shall be entitled to and shall receive its proportionate share of the tuition funds, and the funds shall be levied for schoolhouse and contingent expenses now in the hands of the county or township treasuries, or now levied and not yet collected. Said proportionate share shall be based upon the enumeration of school children of school age for the year.

SECTION 3. The board of education of said special school district shall be authorized to issue bonds to an amount not exceeding $6,000.00 (six thousand dollars) for the purpose of purchasing a site for and the erection of a suitable school building; said school building to be located within the corporated limits of Magnetic Springs, Union county, Ohio.

SECTION 4. The board of education of said special school district shall be empowered to dispose of the buildings and grounds now used for school purposes in the aforesaid village school district of Magnetic Springs, Union county, Ohio.

SECTION 5. The board of education of said special school district shall prescribe the course of study, which may include a high school course, and may when in its opinion it will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund for said school district.

SECTION 6. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 75L

[House Bill No. 93.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds for the purposes of the waterworks.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any city of the second grade of the second class the board of city affairs is authorized to issue the bonds of such city in a sum not exceeding one hundred thousand ($100,000.00) dollars, of which fifty thousand ($50,000.00) dollars shall be for the purpose of providing money to purchase, erect and place in position for the waterworks of such city, pumping machinery, engines, boilers, valves, pipes, mains and such other appurtenances as are necessary for a high pressure system to provide a supply of water for such city; and of which fifty thousand ($50,000.00) dollars shall be for the purpose of providing money to pay for suction pipes and connections with wells, excavating and laying same, and all things pertaining thereto to furnish water for such city, or to pay obligations heretofore or hereafter contracted by the waterworks trustees of such city for such suction pipes and well connections, excavating and laying same, and the things pertaining thereto.

The money arising from the sale of such bonds shall be paid into the city treasury to the credit of the waterworks trustees of such city, and shall be used for the purposes aforesaid.

SECTION 2. That all bonds provided for in section 1 hereof shall be entitled "Waterworks betterment bonds," and shall run for such length of time, not exceeding twenty (20) years, and shall bear such rate of interest, not exceeding four (4) per cent. per annum, payable semi-annually as such board of city affairs shall determine, and interest coupons shall be attached. Such bonds shall be signed by the president of such board of city affairs and by the city comptroller, and shall be sealed with the comptroller's seal of office, and shall be in denominations of one thousand ($1,000.00) dollars each, shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds by municipal corporations; and as security for the payment of such bonds, a lien shall arise in favor of the holders of such bonds upon the waterworks property owned or hereafter owned by such city, and upon the net income of the said waterworks, and the faith and credit of such city shall be pledged for the payment of such bonds.

SECTION 3. That the principal and interest of all bonds issued under this act shall be paid from the receipts and revenues from water rents of the waterworks department of such city, and the trustees of the waterworks of such city shall each month, commencing two (2) months after the issue of such bonds, or any of them, set aside from the receipts and revenues aforesaid, until all of such bonds as may be issued hereunder are paid or provided for, an amount to be determined from time to time by the said board of city affairs, to create a sinking fund to meet the principal and interest of the bonds issued hereunder as they respectively fall due, and the amount so set aside, shall, on the first day of each month, be, by the trustees of such water works, paid to the city comptroller of such city and by him deposited in the treasury of such city in a fund to be known as the "Waterworks betterment sinking fund," and shall be used for no other purpose than the payment of the principal and interest of such bonds. Such board of city affairs shall from time to time certify to the trustees of such waterworks what amount of such receipts and revenues are necessary to be set aside and paid into such sinking fund as, and for the purpose aforesaid. Such trustees shall so set aside and pay over the amount named in any such certificate until another certificate may be made changing the amount, and shall then set aside and pay over money in accordance therewith, and shall always so set aside and pay over the amounts named in the last certificate aforesaid from such board of city affairs.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 76L

[House Bill No. 632.]

AN ACT

To abolish the office of street commissioner in certain cities of the fourth grade of the second class, and to create the office of street superintendent.

[COSHOCTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the fourth grade of the second class that had at the last federal census a popultion of not less than 6,467 or more than 6,477, or which at any future federal census may have such a population, the office of street commissioner is abolished; and in lieu thereof there is created the office of street superintendent. The said street superintendent shall be appointed by the council or a majority thereof. He shall be appointed for the term of one year, and the council in such cities may remove the street superintendent at any time for cause, and appoint his successor for the unexpired term for which he was chosen.

SECTION 2. He shall receive a salary of six hundred dollars a year, payable monthly. He shall be under the control and direction of the street

committee of the council and shall make reports to the council at such times as it may require.

SECTION 3. Section 1707 of the Revised Statutes, in so far as the same conflicts with this act, shall be held void, as well as all other acts or sections which may be found to conflict with this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 77L

[House Bill No. 627.]

AN ACT

To divide the township of Moorefield, Harrison county, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Moorefield in Harrison county, state of Ohio, be and is hereby divided into two (2) election precincts as follows:

All that part of the said township of Moorefield, Harrison county, Ohio, lying and being within the following prescribed limits to-wit: Beginning at the northeast corner of section 25 in said township running south along the east side of sections 25, 30, and 29, to the southeast corner of said section 29; thence east along the north side of section 22 to the Moorefield and Compher public road; thence south along said road to the Belmont county line; thence west along the said Belmont county line to the southwest corner of Moorefield township; thence north along the Moorefield and Freeport township line to the northwest corner of said Moorefield township; thence east along the Moorefield and Nottingham township line to the place of beginning, shall constitute one election precinct to be known as Piedmont precinct, and the voting place of said precinct shall be at Piedmont in said Moorefield township, Harrison county, Ohio.

SECTION 2. All that part of Moorefield township, Harrison county, Ohio, not comprised in the aforesaid precinct shall be known as the Moorefield precinct and the voting place of said precinct shall be at Moorefield in said Moorefield township, Harrison county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 78L

[House Bill No. 9.]

AN ACT

To authorize the board of education of Oakland special school district of Montgomery county, Ohio, to levy an additional tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the Oakland special school district in Montgomery county, Ohio, be and the same is hereby authorized to levy an additional tax for three years, and not to exceed three mills on the dollar, in addition to the tax already authorized by law, the same to be collected as other taxes, for the purpose of meeting present indebtedness, future deficits in contingent fund for the continuance of the schools of the district, after the state funds are exhausted, and for other necessary school expenses, in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 79L

[House Bill No. 274.]

AN ACT

To change the name of the village of Harrisburg in Randolph township, Montgomery county, Ohio, to Englewood.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the name of the village of Harrisburg situated in Randolph township, Montgomery county, Ohio, be and the same is hereby changed to Englewood.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 80L

[House Bill No. 269.]

AN ACT

To amend an act entitled "An act to amend an act entitled 'An act to provide for the salary and fees of the official stenographer for certain counties therein described,' passed March 28, 1894," passed April 4, 1900. (94 O. L., 515)

[MADISON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to amend an act entitled 'An act to provide for the salaries and fees of the official stenographer for

certain counties therein described,' passed March 28, 1894, 'passed April 4, 1900," be amended so as to read as follows:

SECTION 2. That in Madison county, the court of common pleas of said county, or a judge thereof in vacation, shall appoint one official stenographer for said county, who shall hold such office for the term of three years, from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office, and shall receive a salary of six hundred dollars ($600) per annum, to be paid in equal monthly installments out of the court fund of said county, upon the warrant of the county auditor, who shall issue his warrants therefor on the treasurer for the payment of said salary, as the same accrues, after there is filed in his office a certified copy of the journal entry of such appointment.

SECTION 3. And it shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such oral proceedings as the court or parties may direct in all cases actually tried in the circuit, common pleas and probate courts of said county, to the court or jury, the shorthand notes so taken to be the property of the county and carefully preserved in the office of such stenographer. It shall be the duty of such stenographer to make or cause to be made at the request of either party, his attorney or the court, an accurate transcript into longhand or typewriting, of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand or typewriting shall be paid out of the county treasury in any case unless such transcript shall be ordered made by the judge trying the case for his own use, and in criminal cases by the prosecuting attorney. Such stenographer shall also without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 4. Such stenographer shall receive for making such transcripts of said notes into longhand or typewriting, five cents per folio of one hundred words, and when more than one transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of four dollars ($4.00), together with the fees paid out of the county treasury, as provided for in section 2 hereof, to be collected as other costs in the case, and when so collected to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 5. The commissioners shall provide the necessary stationery for the use of said stenographer, and shall also provide an office in the court house for such use, and said stenographer shall have the power to take and certify depositions in any courts of this state, and may be appointed referee to take and report proofs in any of the courts of this state and in taking such depositions and proofs shall have the same powers and receive the same fees for such services as other officers authorized to take depositions in this state.

SECTION 6. Said act passed April 4, 1900, (Vol. 94, O. L., p. 515) be and the same is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 81L

[House Bill No. 349.]

AN ACT

To change the name of Michael Hoare to Ulric Dahlgren.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the name of Michael Hoare, a resident of Montgomery county, Ohio, be and the same is hereby changed to Ulric Dahlgren.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 82L

[House Bill No. 266.]

AN ACT

To divide Green township of Harrison county, Ohio, into two voting precincts for election purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Green township of Harrison county, Ohio be and the same is hereby divided into two election precincts for election purposes, as follows: That all of sections numbered four (4), five (5), six (6), ten (10), eleven (11), twelve (12), sixteen (16), seventeen (17), eighteen (18), twenty-two (22), twenty-three (23), twenty-four (24), twenty-eight (28), twenty-nine (29), and thirty (30), of township number nine (9), of range number four (4), in said Green township, shall compose one precinct, and shall be known as Unionvale precinct; and the voting place of all electors residing in said section shall be at Unionvale, in said township.

SECTION 2. All sections numbered one (1), two (2), three (3), four (4), seven (7), eight (8), nine (9), ten (10), thirteen (13), fourteen (14), fifteen (15), sixteen (16), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-five (25), twenty-six (26), twenty-seven (27) and twenty-eight (28), of township number ten (10) range four (4), of said Green township, shall compose one voting pre-

cinct and shall be known as Hopedale precinct, and the voting place of all electors residing in said section shall be at Hopedale, in said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 83L

[Senate Bill No. 62.]

AN ACT

To amend section 5 of an act entitled "An act to create a special road district of Thompson township of Seneca county," passed April 25, 1891, as amended May 21, 1894.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of an act entitled "An act to create a special road district of Thompson township of Seneca county," passed April 25, 1891, as amended May 21, 1894, be amended so as to read as follows:

Sec. 5. That the township trustees of said township are hereby authorized to improve and cause to be improved the roads in said township that are state or county roads, by causing the same to be opened up the full legal original width, drained, graded, scraped, leveled, macadamized, or stoned, and otherwise improved as may be necessary and proper, and shall have authority for that purpose, each year to cause all necessary surveys and levels to be made and all necessary plans and specifications to be prepared and shall each year at as early a day as may be after the April election and the qualifying of the trustees elected thereat, determine what road improvement they will make for that year, and where said improvements shall be commenced and prosecuted as to do the greatest general public good for the inhabitants of said township; and for the purpose of making the improvements hereby authorized, said township trustees including the tax for roads now authorized by law, are authorized to levy and assess annually a tax not to exceed four (4) mills on the dollar on all taxable property in said township, said levy to be made and certified the same as other township levies and the tax shall be collected and paid over the same as taxes in other cases; and all road taxes in said township shall be payable in money except as herein provided, and when collected and received shall constitute the township road fund and shall be used wholly in making the improvements hereby authorized and in repairing the roads of said township and all money realized from such tax as well as all money realized from the poll tax shall be placed to the credit of such fund, provided that such part of the road tax levied as may be determined by the township trustees may be paid in labor to be performed at such place or places and times as the township trustees may direct from time to time in the repair of roads or in the making of said improvements and to be done under the direc-

tion and control of said road commissioners, and for that purpose his certificate to the extent of the labor actually performed not to exceed the amount of the tax that might be lawfully paid in labor shall have the same force and effect as the certificate of road supervisors in other cases; but laborers shall not be credited with more than $1.50 each for a full day, and for man and team there shall not be credited more than $2.50 for a full day on said taxes.

SECTION 2. Said original section 5 is hereby repealed and this act shall be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 84L

[House Bill No. 541.]

AN ACT

To authorize the trustees of Paris township, Union county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of Paris township, Union county, Ohio, are hereby authorized to transfer $671.70, the funds raised by the levy of the year 1897 and paid into the treasury in December, 1897, and June, 1898, in the road fund of said township, to the corporation of the village of Marysville, Ohio. Which said fund to the amount of $671.70 was by error collected upon the tax duplicate of the village of Marysville, Ohio, when the same should have been only upon the territory of said township, exclusive of said village, and by said error the said $671.70 was collected from the tax duplicate of said village and placed to the credit of the road fund of said township, exclusive of said village. This error being manifest upon the records, the trustees are hereby authorized to transfer said sum of $671.70 to the treasury of the corporation of the village of Marysville, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 26, 1902. 85L

[Senate Bill No. 207.]

AN ACT

To provide for rebuilding a children's home in Pickaway county.

WHEREAS, The children's home of Pickaway county has been destroyed by fire, and

WHEREAS, The sum of $12,000 arising from insurance and taxation is now in the treasury of said county to the credit of the children's home fund, and

WHEREAS, It is the desire of the citizens and taxpayers of said county that said children's home be rebuilt and reestablished at an early date, therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The boards of county commissioners and infirmary directors, the superintendent of the children's home, the county auditor and the prosecuting attorney, acting in joint session, as a joint board, shall select a suitable site, upon the infirmary farm of said county, upon which site the children's home of said county shall be rebuilt and maintained.

SECTION 2. After such site has been so selected and determined, the county commissioners shall provide for the erection of the necessary buildings for the said children's home, and provide, by taxation, for the cost thereof, such sum as may be necessary, in addition to the funds now on hand, provided that said buildings shall not cost, in the aggregate, to exceed $15,000; and provided, further, that the said county commissioners in the performance of the duties prescribed herein shall not be bound by the provisions of section 656 of the Revised Statutes which section shall not be held to apply to the plans for or the erection of said children's home.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 27, 1902. 86L

[Senate Bill No. 55.]

To authorize the commissioners of Erie county to pay certain moneys out of the bridge fund.

WHEREAS, The board of commissioners of Erie county, Ohio, in August, 1899, entered into a contract with the King Bridge company, of Cleveland, Ohio, whereby said company agreed to furnish the steel and iron superstructure for a bridge over the Vermillion river, at Birminham, Ohio, for the sum of 5,998.80, and at the same time said board of commissioners entered into contracts with other firms for the construction of masonry, abutments, piers, and retaining walls of said bridge, for a sum less than $4,000.00, and said contracts were approved by the prosecuting attorney of said county, and had attached the certificate of the auditor of said county, that sufficient [money] was on hand to the credit of the bridge fund to pay said contracts; and,

WHEREAS, At the same time a contract was entered into by said commissioners for grading the highway and approaches at either end of said

bridge, for the purpose of improving said highway, and with the intention of paying a portion of the expense of said grading out of the road fund of said county, in which there was at the time, sufficient money to pay the same; and,

WHEREAS, Upon the completion of said grading, and before the completion of said bridge, said commissioners were advised by the prosecuting attorney of said county to pay no portion of the costs of said grading out of the road fund; and after so paying the contract price of said grading, masonry, superintendence and a portion of the contract price of said bridge, amounting in all to the sum of $10,000, out of the bridge fund, there is still due said bridge company, including the interest from June 6, 1900, the sum of $2,914.00; and,

WHEREAS, There is sufficient money to the credit of the bridge fund of said county to pay said claim; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a contract entered into by the board of commissioners of Erie county with the King Bridge company, of Cleveland, Ohio, in August, 1899, be and the same is hereby declared to be a valid contract, and binding upon the said Erie county, Ohio, and the balance due thereon, viz: $2,914.00, to be a subsisting and binding obligation against said county of Erie; and the board of commisioners of said county is hereby authorized to pay the claim of said "The King Bridge company," by directing the auditor of said county to issue a warrant therefor, in the sum of not exceeding $2,914.00 payable out of the bridge fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 27, 1902. 871

[Senate Bill No. 67.]

AN ACT

To authorize the board of county commissioners of Ross county, Ohio, to purchase real estate in or near the city of Chillicothe, in said county and improve said real estate, for the purpose of holding county fairs thereon, and to issue and sell bonds of said county therefor and levy taxes to pay the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Ross county, Ohio, be, and they are hereby authorized and empowered to purchase for and on behalf of said county, real estate in or near the city of Chillicothe, in said county, and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and

advancement of agriculture in said county; and, in case such purchase shall be made, the title to the real estate so purchased shall be conveyed to and vest in said board of county commissioners of said county.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to purchase, pay for and improve said real estate, are hereby authorized to issue and sell bonds of said county in any amount not to exceed $40,000, payable at such place, and at such time or times, not exceeding in all a period of thirty years from the date of issue, and bearing such rate of interest, not exceeding four per cent. per annum, payable semi-annually, as said board of county commissioners may determine, and said bonds shall not be sold for less than their par value and accrued interest, and shall be signed by said county commissioners and attested by the auditor of said county, with his seal affixed thereto.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy on all taxable property of said county such tax, in addition to other taxes authorized by law, as will be necessary to provide a fund for the prompt payment of said bonds and the interest thereon as the same shall become due and payable. Said tax shall be levied and collected in the same manner that taxes for general purposes are levied and collected.

SECTION 4. Before any contract for the purchase of real estate, pursuant to the authority conferred upon said board of county commissioners by this act, shall be concluded by said board of county commissioners, and become of binding force and effect in law, the question of the purchase and improvement of said real estate for the purpose aforesaid shall be submitted to the qualified voters of said county at a general election, spring or fall, and receive the votes of a majority of the electors of said county voting on the question. The officers whose duty it is to provide for the printing of ballots at such general election, shall cause, on the written request of said board of county commissioners, to be printed on all ballots below the list of names of candidates for office, and with a blank space on the left margin, in which to give each elector an opportunity to designate his choice, the following:

"For the purchase and improvement of real estate for fair grounds."

"Against the purchase and improvement of real estate for fair grounds."

Notice that said proposition is to be submitted shall be given by the sheriff by proclomation for the same length of time and in like manner as in his proclamation of general elections, required by law. The clerks of each election precinct shall write on separate ruling on the left-hand margin of the tally sheet below the names of candidates, "For the purchase and improvement of real estate for fair grounds;" "Against the purchase and improvement of real estate for fair grounds," and shall enter on the appropriate ruling the tallies of all votes cast for and against said proposition. And the aggregate number of votes for and against said proposition in each voting precinct shall be forthwith certified by the precinct election officers to the proper board of deputy supervisors of elections in like manner as the return of elections of county officers are certified, as required by law, and said board of deputy supervisors of elections shall record the aggregate number of votes for and against said proposition, and duly certify the result of the election on said proposition to said board of commissioners of said county.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 27, 1902. 88L

[House Bill No. 363.]

AN ACT

To supplement section (1545-282) (2) of the Revised Statutes of Ohio.

[AKRON AND YOUNGSTOWN.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section (1545-282) (2) be supplemented by sections 1545-282 (3) as follows:

Sec. (1545-282) (3). The council of such city for the purpose of extending the time of payment of the floating indebtedness, which from its limits of taxation, such city is unable to pay out of the general revenues raised by taxation, and pay the current and fixed expenses of such city, and claims against such city, shall have power to issue bonds of such city, to an amount not to exceed in the aggregate two hundred thousand dollars, to pay off such floating indebtedness, in such amounts and for such length of time, not exceeding twenty-five years, and at such rate of interest as the council may deem proper, not to exceed the rate of four per centum per annum, payable annually or semi-annually; but no such bonds shall be issued unless at least three-fourths of all the members elected to the council shall concur in the passage of the resolution determining the necessity therefor and authorizing the issuing of such bonds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 27, 1902. 89L

[House Bill No. 162.]

AN ACT

To authorize the commissioners of Hamilton county to purchase all existing toll roads within said county, and to maintain same as free turnpikes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Hamilton county be and they hereby are authorized and empowered to purchase of the owner thereof, and to acquire the title to, toll roads, already in existence, in

uch county, and thereafter to maintain the same as free turnpikes, in he manner provided by law for the maintenance of such turnpikes.

SECTION 2. The price to be paid for such turnpikes shall in no case xceed such sum as would make the average gross annual tolls of such oads, for a period of twenty years last past, equal fourteen per cent. f such purchase price.

SECTION 3. For the purpose of providing funds for the purchase f such turnpikes, the county commissioners are authorized and empow-red to issue, from time to time, as may be required, and to sell the bonds f said county, not exceeding in the aggregate the total amount of $200,-00, to be known as "Toll pike purchase bonds," which bonds shall be in lenominations of five hundred, or a multiple of five hundred dollars, not xceeding ten thousand dollars, and shall bear interest at a rate of not xceeding four per cent. per annum, payable semi-annually; the principal f said bonds to be payable in fifteen years from the date of issue, and edeemable at the pleasure of said commissioners, after five years from he date of issue, both principal and interest to be payable at the office f the county treasurer; said bonds to be sold at not less than their par alue and accrued interest, after advertisement of such sale, by such ommissioners, in two newspapers published in such county, at least once a week for four successive weeks; and for the purpose of paying the interest on such bonds and creating a sinking fund for the redemption f the same, the said commissioners are hereby authorized and directed to levy upon all the taxable property of the county, in addition to other authorized taxes, not less than one-tenth mill, on the dollar valuation, ach and every year until said bonds are fully paid.

SECTION 4. The said bonds shall not be issued until their issue shall be authorized by a vote of the qualified electors of such county; and the commissioners of such county are hereby authorized and required, at the next general election of county officers, to cause proper notice to be given, and to take the necessary steps to submit the question of the issue f said bonds to the qualified electors of said county. Such election shall be conducted under the election laws of the state, so far as the same are applicable; the judges of election shall keep a separate poll book of such election, and shall make return thereof, duly certified as in other cases, to the county auditor, who, with the probate judge and the clerk of court of common pleas of the county, shall open the same and declare the result; and a statement thereof, duly certified by said officers, shall be entered on the commissioners' journal, or minute book. In any election, held under this act, ballots, having written or printed on their face "For toll pike purchase bonds — yes;" "For toll pike purchase bonds — no," shall be prepared under the direction of the county or state officers, who are required to furnish the general ballots, and shall be by them supplied to all proper officials of election at each and every precinct in said county. If a majority of the electors voting on said question at said election vote in favor of the issue of such bonds, the commissioners of such county shall forthwith proceed to issue and dispose of the same as herein provided. And if such proposition fail of adoption at such election, the said commissioners may, at any time after six months, and not exceeding five years from the date of said election, again submit such question, in the manner herein provided, to the qualified voters of such county; and if a majority of the electors voting at any such election, shall vote in favor of the issue of such bonds, then it shall be lawful and the

commissioners of such county are authorized to issue and sell such bonds as herein provided.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
CARL L. NIPPERT,
President of the Senate

Passed March 31, 1902. 90L

[House Bill No. 465.]

AN ACT

To provide for the abandonment of the normal school of Wadsworth township, Medina county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be submitted to the electors of Wadsworth township, Medina county, Ohio, at the time of holding the first election for the election of township officers, after the passage of this act, the proposition to abandon the Wadsworth normal school and discontinue the board of managers of the Wadsworth normal school. Sufficient time before this election the trustees shall notify the deputy state supervisor of elections, who shall provide suitable ballots, to carry out the provisions of this act, and such elections shall be conducted in the same manner as for the election of township officers.

SECTION 2. If the majority of the votes cast at such election upon the submitted proposition shall be in favor of the abandonment of the Wadsworth normal school, then the title to the property known as the normal school property shall vest in the trustees of Wadsworth township, Medina county, Ohio, of which they shall have exclusive control, and have power to dispose of the same, or otherwise use it as they deem to be for the best interest of Wadsworth township, and the board known as the Wadsworth normal school managers, shall cease to exist.

SECTION 3. It is herein provided that nothing in this act shall prevent nor release the township trustees from carrying out the provisions for paying such normal school bonds with the interest thereon, as may remain unpaid, as provided for the issuing and paying such bonds, in an act passed April 14, 1884 (81 O. L., 369).

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 91L

[House Bill No. 279.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 897 of the Revised Statutes of Ohio be further supplemented as follows:

Sec. 897-5. Each county commissioner of Champaign county shall receive a salary of one thousand dollars ($1,000.00) per annum, payable in equal monthly installments out of the county treasury upon the warrant of the county auditor; and each commissioner in such counties shall devote his entire time or so much thereof as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary herein provided, either directly or indirectly, by way of mileage, per diem, expenses paid out, or otherwise.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 92L

[House Bill No. 364.]

AN ACT

To authorize the county commissioners of Brown county, Ohio, to have certain dilapidated records and plats of towns and villages in said county transcribed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Brown county, Ohio, be and they are hereby authorized and empowered to employ a competent person or persons to transcribe and replat the dilapidated records of towns and villages in said county, for use in the auditor's office of said county, into suitable books, to be provided for that purpose by said county commissioners, and paid for out of the county treasury.

SECTION 2. That said person or persons, so employed by said county commissioners, shall receive for said services such fees as may be agreed upon by said person or persons, and said county commissioners, not exceeding such fees as are allowed by law for similar services, and the same shall be paid out of the county fund of said county, on the allowance and order of said county commissioners.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 93L

House Bill No. 548.]

AN ACT

To provide an official stenographer for the county of Muskingum, Ohio.

Be it enacted by the General Assembly of the State of Ohi

SECTION 1. That in Muskingum county, Ohio, the court of comm- pleas may appoint one official stenographer for such county, who sha hold his or her office for the term of three years from and after the dat of his or her appointment, and until his or her successor is appointed and qualified, unless he or she shall be remov- by the court for neglect of duty, misconduct, or incompetency. Suc official stenographer shall take an oath to faithfully discharge the duties of his or her office. The salary of such stenographer shall be fixed by the judge making such appointment, but shall not exceed twelve hundred dollars per annum, payable in equal monthly installments out of the county treasury of such county, on the warrant of the coun auditor, which salary shall be in lieu of all per diem fees in the circu common pleas, and probate courts of such county; and it shall be the du of the auditor of such county to issue warrants on the treasurer for the payment of such salary, as herein provided, out of the general fund, upo presentation to him of a certified copy of the journal entry of the appoint- ment of such official stenographer.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make or cause to be made accurate stenographic notes of the testimony of witnesses, charges of the court to juries, all opinions rendered, and such other oral proceedings as the court may direct, in all cases actually tried to the court or jury, in the circuit, common pleas, and probate courts of such county, the shorthand notes so taken to be the prop- erty of the county and carefully preserved in the office of such steno- rapher. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party, his attorney, or the court, an accurate transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered made by the judge trying the case, for his own use, and, in criminal cases, by the pros- cuting attorney or by the defendant or his counsel; provided, that if the sessions of the above courts are, at any time, holden on the same day, said stenographer shall give preference to the court of common pleas, unless excused by the judge thereof.

Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be requir- in preparing opinions and charges to juries, and shall also perform such other work as may be required by any of the judges of said courts in pre- paring such opinions and charges.

SECTION 3. Such stenographer shall receive, for making such tran- scripts of such notes into longhand, eight cents per folio of one hundred words, and when more than one such transcript shall be made at the same time, the fee for making each additional transcript shall be one-third the fee allowed for the first copy; and in every case reported in such courts there shall be taxed for each day's services of such stenographer, a fee of five dollars, to be collected as other costs in the case, and when so col- lected, to be paid quarterly into the treasury of the county by the clerk

of the court. And all stationery and supplies necessary for the use of such stenographer in the proper discharge of his or her duties shall be furnished by the county commissioners of such county and paid for out of the general fund of such county.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 94L

[House Bill No. 615.]

AN ACT

To authorize the auditor of Cuyahoga county, Ohio, to transfer funds.

WHEREAS, By sections 4584-9 and 4584-10 of the Revised Statutes of Ohio, the township trustees are authorized to levy a tax on all of the taxable property of the township, of not exceeding five-tenths of one mill, to provide for the payment of salary of the ditch supervisor; and,

WHEREAS, Such a levy was made by the trustees of Middleburgh township, Cuyahoga county, Ohio, in which township is located the incorporated village of Berea, which village has its own drainage and sewerage system; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county auditor of Cuyahoga county, Ohio, be, and is hereby authorized and required to transfer to the general fund of Berea village, Ohio, all of the funds realized from levy for ditch purposes, by the trustees of Middleburgh township, said county, on the real and personal property in said village, for the year 1901.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 95L

House Bill No. 507.]

AN ACT

To authorize the board of education of Troy township, Delaware county, Ohio, to issue a voucher on the treasurer of said township for the sum of $1,468.56, and the board of trustees of said township to issue a voucher for $734.27 to the said treasurer to cover deficiency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Troy township, Delaware county, Ohio, be, and it is hereby authorized and empowered to

issue a voucher to the treasurer of said township for the sum of $1,468.56. and the trustees of said township are authorized and empowered to issue their voucher to said treasurer for the further sum of $734.27, to cover the deficiency existing in the common school and township funds of said township, and that the treasurer of said township be authorized and empowered to present said vouchers to the auditor of said county, and have the same allowed in settlement of his account with said auditor.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 96L

[House Bill No. 733.]

AN ACT

To provide a suitable site for a free public library building at Cambridge, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Guernsey county and the city council of the city of Cambridge therein are authorized and required to grant, in accordance with the provisions hereof, the perpetual use of the north end of the plat of public ground known as the "Public Square," bounded upon Steubenville avenue, East Eighth street and West Eighth street in said city of Cambridge, so far as may be necessary or convenient as a site for and approaches to a free public library building, but not exceeding fifty (50) feet from north to south, exclusive of the existing sidewalks, and which building shall be used for the necessary and convenient purposes of a free library, to supersede the public library now carried on in said city of Cambridge, and to be managed and conducted substantially as the latter now is, and as now is prescribed by sections 4002-45, 4002-46, 4002-47, 4002-48 and 4002-49 of the revised statutes of Ohio, or as may be hereinafter provided by law applicable thereto, and which building shall be erected without cost to said county or city, and shall cost for planning and erecting not less than eighteen thousand dollars.

SECTION 2. Said grant shall be made by proper resolution to that effect adopted and entered upon the journal or minutes of said board of council respectively, at the first regular or special meeting after the passage hereof, and when so made shall be final and effectual for said purpose, and said resolution shall be sufficient if it show an intent to grant said site for said purpose.

SECTION 3. The due adoption, existence and contents of said resolution by said board of county commissioners may be evidenced by a copy thereof certified by the county auditor of said county, in office at the time of such certifying, to be a true copy of the resolution adopted and entered by said board at the date thereof; and the due adoption, existence and con-

tents of said resolution adopted by said city council may be evidenced by a copy thereof certified by the city clerk of the city of Cambridge, in office at the time of such certifying, to be a true copy of the resolution adopted and entered by said council at the date thereof.

SECTION 4. That the use and enjoyment of said site and approaches shall never be impaired or affected so long as a building there erected shall be devoted to the uses and purposes aforesaid.

SECTION 5. This act shall take effect from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 97L

[House Bill No. 356.]

AN ACT

To authorize the trustees of Union township, Clinton county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Union township, Clinton county, Ohio, be and they are hereby authorized to transfer the sum of three thousand ($3,000.00) dollars from the poor fund to the pike fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 98L

[House Bill No. 196.]

AN ACT

To create a special school district in the township of Jefferson and county of Coshocton.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory embraced in the township of Jefferson, county of Coshocton, and state of Ohio, and bounded and described as follows, to-wit: Commencing at the southwest corner of said Jefferson township, thence north following the west boundary line of said Jefferson township, to the northwest corner of said township; thence east following the north boundary line of said township, to which meeting with the land dividing a twenty acre tract of land owned by one

William Shepherd, from a forty acre tract owned by one William Heaton; thence south on said line to the north boundary line of lands owned by one Thomas Shepherd; thence east following the north boundary line of said lands to the northeast corner of said lands; thence southerly, following the east boundary line of said lands to the north boundary line of lands owned by one H. H. Brillhart; thence east following the north boundary line of said lands to the northeast corner of said lands; thence due south to the southeast corner of an eighty acre tract owned by one Pheby Sigman; this same point being also the southwest corner of an eighty acre tract owned by one George Wilson; thence east following the south boundary line of said Wilson's tract to the southwest corner of the said tract; said corner lying in the center township line, dividing said Jefferson township north and south; thence south following said line to the Walhonding river; thence easterly following the meanderings of said river to its meeting with the north and south line dividing the lands of one Ursula Darling from the lands of one W. J. Walker; thence south on said line to the southeast corner of a fifty acre tract owned by one Elizabeth Walker; thence west following the south boundary of said tract to the southwest corner of said tract; thence due south following the center township line to the south boundary line of said Jefferson township; thence west following said south boundary line to the place of beginning; be and the same is hereby created and declared to constitute a special school district to be known as Nellie special school district.

SECTION 2. The said special school district shall be entitled to all of the school property within such territory and the title thereto shall be vested in the board of education of said special school district.

SECTION 3. The said special school district shall be entitled to and shall receive its proportionate share of the school funds, and the funds levied for schoolhouse and the incidental expenses in accordance with the enumeration of 1901, of children who are entitled to attend school in said district, and it shall be the duty of the township treasurer upon the order of the board of education of said special school district to pay said proportionate share of all of said school funds which are now or may come into his possession.

SECTION 4. That to enable the board of education of said Nellie special school district to purchase a site centrally located with respect to the territory embraced within said special school district, and to erect and provide with proper furnishings a school building suitable to accommodate all the pupils of said special school district, said board of education may borrow a sum not exceeding three thousand five hundred dollars ($3,500.00) and issue bonds therefor, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; the bonds shall be in such sums and payable at such periods, not exceeding ten years from date of issue, as the board may determine; the bonds shall be numbered consecutively, made payable to the bearer, bear date the day of sale, and be signed by the board of education officially; the clerk of the board shall keep a record of the number, date, amount, and the rate of interest of each bond sold, the sum for which, and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times; and the bonds so issued shall in no case be sold for a less sum than their par value, nor bear interest until the purchase money for the same shall have been paid by the pur And to provide for the payment of

said bonds, said board of education may sell any school property belonging to said special school district, the use of which has been, or may be discontinued; and said board of education may certify annually to the county auditor a special tax levy, from year to year, not exceeding three mills per annum, and the auditor shall place the same upon the tax duplicate in the same manner that other taxes certified by said board of education are required to be placed thereon but before said bonds shall be issued or said special tax levied therefor, the question shall be submitted to the qualified electors of said special school district as provided in section 3991 of the Revised Statutes.

SECTION 5. The said Nellie special school district shall be governed in all respects by such laws as are now or may be in force relating to special school districts, and the board of education of said special school district may render such assistance as in the discretion of said board may be deemed reasonable and proper in aiding pupils residing within said territory to make the trip from their several homes to school and return. And in order to carry out this provision of this section the board of education may certify annually, from year to year, for said purpose, and upon approval of a majority of the electors of said district, at an election held for said purpose, a tax levy not exceeding three mills per annum, said levy to be certified and placed on the tax duplicate in form and manner as provided in the last preceding section.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 99L

[House Bill No. 433.]

AN ACT

To provide for and regulate special elections for the village of Osgood, Darke county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the special election for all officials for the village of Osgood, Darke county, Ohio, be held on the afternoon between the hours of one o'clock P. M. and six o'clock P. M. of the day and date upon which the township election is held for the township in which said village is located, and that the election officers for said election be paid for their services at said election the sum equal to one-half ($\frac{1}{2}$) of the sum paid the election officers for the township election held at the same time and place receive.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 1, 1902. 100L

[House Bill No. 466.]

AN ACT

To amend section 2 of an act entitled, "An act relating to the duties and compensation of certain county officers and their assistants in Miami county, as passed April 21, 1896."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 of an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Miami county as passed April 21, 1896," be amended so as to read as follows:

SECTION 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office, the commissioner shall have in view the number employed there in the year preceding the passage of this act, and also the increase or diminution from time to time, of the labor to be performed in such office; and in determining the salaries thereof, they shall allow to one deputy in the office of auditor a salary of not more than nine hundred dollars nor less than seven hundred dollars, but no other deputy, clerk or employe shall be allowed more than five hundred dollars; and in the offices of clerk of court of common pleas, sheriff, probate judge and treasurer, respectively, they shall allow one deputy a salary of not more than seven hundred dollars nor less than six hundred dollars, but no other deputy, clerk or employe in either of said offices shall be allowed more than five hundred dollars; and in the office of recorder, they shall allow one deputy a salary of not more than six hundred dollars nor less than five hundred dollars, but no other deputy, clerk or employe in said office shall be allowed more than four hundred dollars, provided, that the employment of clerks of other assistants temporarily, in addition to the regular employes, at a stipulated sum per day, may be authorized by the commissioners when they are satisfied that the business of any such office so requires.

SECTION 2. That section 2 of an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Miami county as passed April 21, 1896," is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 101L

[House Bill No. 414.]

AN ACT

To authorize the trustees of Waterville township, in the county of Lucas, state of Ohio, to transfer funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Waterville township, in the county of Lucas, state of Ohio, be, and are hereby authorized to establish a vault fund for Whitehouse cemetery and to transfer five hundred dollars ($500.00) from the Whitehouse cemetery fund of said township, to the vault fund of said Whitehouse cemetery.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 102L

[House Bill No. 428.]

AN ACT

To authorize the council of Cairo, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Cairo, Allen county, Ohio, be and the same is hereby authorized to transfer three hundred and twenty-five (325) dollars from the general fund to a building fund; fifty (50) dollars from the street fund to a building fund; two hundred (200) dollars from the sewer fund to a building fund; one hundred and twenty (120) dollars from the light fund to a building fund; two hundred (200) dollars from the sanitary fund to a building fund; seventy (70) dollars from the fire fund to a building fund; two hundred (200) dollars from the sidewalk fund to a building fund; thirty-five (35) dollars from the police fund to a building fund.

All of said sums aggregating one thousand two hundred (1,200) dollars consisting and making a building fund for the purpose of erecting and constructing a "Town hall" for said village of Cairo, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 103L

[House Bill No. 397.]

AN ACT

For the relief of Henry Hecker, former treasurer of Warrensville township, Cuyahoga county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Henry Hecker, former treasurer of Warrensville township, Cuyahoga county, Ohio, and the sureties on his official bond be, and they are hereby wholly relieved and released from the payment to the treasurer of said Warrensville township of whatever part of the sum of $4,763.63 shall remain unpaid to said Henry Hecker from The Cuyahoga Savings and Banking Company upon the final settlement of the affairs of said bank, and that they, and each of them, shall be relieved and released from any and all liability for said sum; and the receiver of said The Cuyahoga Savings and Banking Company is hereby authorized and directed to pay to the treasurer of said township all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 104L

[House Bill No. 520.]

AN ACT

To authorize the Lutheran Cemetery Association of Hamilton township, Franklin county, Ohio, to sell property to Zion Evangelical Lutheran church, or to whomsoever or whatever denomination they see fit.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the Lutheran Cemetery Association are hereby authorized and empowered to sell real estate owned by said Lutheran Cemetery Association in the township of Hamilton, county of Franklin, state of Ohio, to the Zion Evangelical Lutheran church or to whatever denomination or whomsoever they desire.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 105L

[Senate Bill No. 97.]

AN ACT

To create a special school district in Springfield and Sycamore townships in Hamilton county, and Union township, Butler county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district to be known as the Crescentville special school district be, and the same is, hereby established in the townships of Springfield and Sycamore in Hamilton county, Ohio, and Union township, Butler county, Ohio, which said special district shall embrace and include the following described territory, to-wit: So much of the territory now within Kemper special school district No. 3 as is described as follows: Situate in section 31, township 3, entire range 2, Sycamore township, Hamilton county, Ohio, and in section 1, township 2, entire range 2, Springfield township, Hamilton county, Ohio, beginning at the county line between Hamilton and Butler counties and on the north line of section 31, township 3, entire range 2, at a point in the middle of the Miami and Erie canal, thence west with the county line to the east line of the Princeton pike, thence south with said east line of the Princeton pike to the southwest corner of the tract of one hundred and seven and seventy one-hundredths (107.70) acres of land now owned by Herbert and Benjamin Carmen; thence east with the south line of said Carmen land to the southeast corner thereof, thence east with the south line of the tract of eleven and one-half (11.50) acres of land formerly owned by Joseph Hall, thence north with the east line of said Hall tract to the southeast corner of a tract of ninety and fifty one-hundredths (90.50) acres of land owned by Fred A. Schroeder, thence north with the east line of said Schroeder tract to the northwest corner of the tract of twelve and twenty-five one-hundredths (12.25) acres of land owned by J. B. and H. McClelland; thence east with the north line of said McClelland tract to the northeast corner thereof; thence east with the north line of a tract of ten and ninety-three one-hundredths (10.93) acres of land owned by Charles O. Hall to the east line of said section 1, township 2, entire range 2, thence south with the section line to the southwest corner of the tract of forty-four and eighty-nine one-hundredths (44.89) acres of land owned by Arthur L. Sortor, Jr.; thence east on the south line of said Sortor tract to the southeast corner thereof; thence north of the southwest corner of the lands of Gabriel Wirsch, thence east with the south line of Wirsch tract to the east line of section 31, township 3, entire range 2; thence north to the northeast corner of said Wirsch tract; thence west with the north line of said Wirsch tract to the center of the Miami and Erie canal; thence north with the line of said canal to the place of beginning.

Also so much of the territory within the Runyan special school district No. 4, as is bounded as follows: Situate in sections 25 and 31, township 3, entire range 2, Sycamore township, Hamilton county, beginning on the west line of section 25, township 3, entire range 2, at the southwest corner of a tract of thirty-two (32) acres of land owned by the John Hauck estate; thence east with the south line of said tract to the southeast corner thereof; thence north to the county road thence east with said county road to the southeast corner of the tract of twenty-eight and eighty-eight one-hundredths (28.88) acres of land owned by John McCauley, thence north with the east line of said McCauley tract to the

south line of the tract of twenty-nine (29) acres of land owned by the Stephen Howard estate; thence east along the south line of said Howard tract to the southeast corner thereof; thence north on the east line of the said Howard tract to the county line; thence west with the county line to the center of the Miami and Erie canal; thence south with the center of said canal to the tract of land belonging to Gabriel Wirsch; thence east with the north line of said Wirsch tract to the east line of section 31, township 3, entire range 2, thence south with said section line to the place of beginning.

Also, so much of the territory within a subdistrict in Union township, Butler county, as is described as follows: Situate in sections 26 and 32, township 2, entire range 3, and section 2, township 2, entire range 2, beginning at the southeast corner of the tract of seventy-eight and fifty one-hundredths (78.50) acres of land owned by the Stephen Howard estate, on the county line between Hamilton and Butler counties; thence north with the east line of said Howard tract to the northeast corner thereof; thence west with the north line of said Howard tract to the west line of section 26; thence north with the section line to the northwest corner of said section 26; thence west with the north line of section 32, township 2, range 3, and section 2, township 2, range 2, to the north west corner of the tract of one hundred and three and ninety-five one-hundredths (103.95) acres owned by John Evans, thence south with the west line of said Evans tract to the northeast corner of the tract of two hundred and three and sixty-five one-hundredths (203.65) acres of land owned by Katherine Friend; thence south with the section line between sections 2 and 32 to the line between Hamilton and Butler counties; thence east with said county line to the place of beginning.

Also, so much of the territory within the Port Union special school district, Union township, Butler county, as is described as follows: Situate in section 2, township 2, range 2, beginning at the northwest corner of the tract of two hundred and three and sixty-five one-hundredths (203.65) acres of land owned by Katherine Friend; thence west with the north line of said tract to the northwest corner thereof; thence south with the west line of said tract to the county line; thence east with the said county line to the southeast corner of said section 2, township 2, range 2; thence north with the east line of said tract to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds in accordance with the enumeration of the year 1901 of the children who are entitled to attend school.

SECTION 3. The first election for officers of said special school district shall be held within twenty days after the passage of this act, upon the notice and in the manner provided in section 3924 of the revised statutes of Ohio for holding special elections. At such election the polls shall be open at least two hours and shall not close before four o'clock p. m. Said special school district shall be governed by the laws which now are, or may hereafter be, in force relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 2, 1902. 106L

[House Bill No. 657.]

AN ACT

To authorize the board of education of Harrison township, Muskingum county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Harrison township, Muskingum county, Ohio, be and the same is hereby authorized and empowered to levy an additional tax for the years 1903 and 1904 on all taxable property within said township not to exceed one mill on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said township, and also for the payment of any present indebtedness as the said board, in its discretion, may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 107L

[House Bill No. 553.]

AN ACT

To authorize the commissioners of Scioto county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Scioto county, Ohio, be, and they are, hereby authorized to transfer the sum of five thousand dollars from the sinking fund to the bridge fund of said county.

SECTION 2. That the commissioners of Scioto county, Ohio, be, and they are hereby authorized to transfer the sum of three thousand dollars from the sinking fund to the general fund of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 108L

[House Bill No. 510.]

AN ACT

To authorize the board of education of Ward township, Hocking county, Ohio, to make additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Ward township, Hocking county, Ohio, be, and it is hereby authorized to make an additional

levy on the taxable property of said township, of five mills on each dollar of valuation each year for five years after the passage of this act, for the purpose of liquidating an existing indebtedness of $4,500 in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 109L

[House Bill No. 494.]

AN ACT

To confer upon township trustees the powers of police and police boards, and to appoint and pay special police.

[MONTGOMERY COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county in this state having a population of not less than 130,000, nor more than 130,500, the board of trustees of any township in addition to the powers and duties now conferred upon them by the general statutes, shall constitute a board of officers to be known and designated as the police board of their respective townships.

SECTION 2. The duties of said board shall be to keep the peace in such township, to protect persons, churches, Sunday schools and religious and literary societies from violence, interference or disturbance and to enforce all laws now enacted or hereafter enacted regulating the sale of intoxicating liquors and to suppress all road houses or houses of ill-fame in said townships.

SECTION 3. To enable said board to perform the duties specified in section 2 of this act they are hereby empowered to appoint at any time as occasion may warrant and for such time as they may deem necessary, any person resident of such township or as many as they may deem necessary to act as special police for said board. Said special police shall have the power to make arrests upon view without warrant in all causes mentioned in section two of this act.

SECTION 4. Said board shall pay such police for such services as they may perform from the general funds of the township, such amount as they may deem fair and reasonable and also for expenses actually incurred in the performance of such duties upon the filing of an itemized statement of the number of days employed and the amount of expenses incurred.

SECTION 5. The jurisdiction of such police board shall extend only to such parts territorially of each township not included within the limits of any corporated town or village in such township.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 110L

[House Bill No. 438.]

AN ACT

To authorize the incorporated village of Swanton, Fulton county, Ohio, to issue bonds for the purpose of erecting and furnishing a town hall.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Swanton, Fulton county, Ohio, is hereby authorized to issue bonds not exceeding in amount the sum of ten thousand dollars, for the purpose of building and furnishing a town hall.

SECTION 2. Said bonds shall be signed by the mayor of said village, and countersigned and registered by the clerk thereof, and may be issued in denominations of not less than five hundred, nor more than one thousand dollars; bearing interest at a rate not to exceed six per cent. per annum, payable annually, the principal to be paid at such times within ten years from the issue thereof as said council may determine, and in such amounts as said council may direct, and said bonds shall not be sold for less than par, and accrued interest.

SECTION 3. For the payment of the principal and interest of said bonds as the same shall become due, the council of said village is hereby authorized and required to levy a tax on all the taxable property within the corporate limits of said village, in such amounts as will each year be required to pay the principal and interest then falling due on said bonds, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 111L

[House Bill No. 307.]

AN ACT

To provide an official stenographer for the counties Greene, Warren and Clermont.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in the counties of Greene, Warren and Clermont the judge of the court of common pleas of said counties may appoint one official stenographer therefor, who shall hold his office for a term of three years from and after the date of his appointment, and until his successor is appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such stenographer shall not, during the term of said office engage in the practice of law in said county, or be a partner, clerk or student of any attorney residing or practicing in said county. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office; and he shall receive a salary of eight hundred dollars ($800.00) per annum, payable

in equal monthly installments out of the county treasury, which sa[l]- shall be in lieu of all per diem fees in the circuit, common pleas a[n]- probate courts of said counties, and it shall be the duty of the au[di]- of such counties to issue warrants on the treasurer for the payment said salary out of the general fund, upon presentation to him of a cer[ti]- copy of the journal entry of the appointment of said official stenograph[er]

SECTION 2. It shall be the duty of such stenographer, unless wai[ved] by the parties and the court, to make or cause to be made accurate st[e]- ographic notes of the testimony of the witnesses, and the charge of th[e] court to the jury, when not in writing, in all cases actually tried or hea[rd] in the circuit court and common pleas courts, and in the probate co[urt] when requested by the parties or the judge of said court; and the sh[or]- hand notes so taken shall be the property of the county and preser[ved] in the office of such stenographer; provided, said stenographer shall giv[e] preference to the court of common pleas when in session, unless excus[ed] by the judge thereof. It shall be the duty of such stenographer to make or cause to be made, at the request of either party, his attorney, or th[e] court, an accurate transcript into longhand of the notes so taken in an[y] cause, or such portion thereof as may be requested to be made, to be paid for forthwith by the party or parties ordering the same: and th[e] cost of such transcript, if used on appeal in lieu of oral evidence or [a] error as a bill of exception, to be taxed in the costs and adjudged as th[e] court may direct; but no transcript of the notes into longhand shall be paid out of the county treasury in any case except criminal cases, unless such transcript shall be ordered by the judge or judges trying the case for his or their own use. All such transcripts ordered by the judge or judges trying the case either for his or their own use, or in criminal cases shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcript, which certificate shall be a sufficient voucher to the auditor of the county upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall, also, without cost, charge or compensation, take from the dictation of the judge of the court of common pleas such shorthand notes in the preparation of decisions and charges and transcribe the same as the court may direct.

SECTION 3. Said stenographer shall receive for making such transcript of said notes, so taken in any cause, into longhand, in addition to said salary, eight cents per folio of one hundred words, and when more than one transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. In every case reported in said courts there shall be taxed for each day's service or part of a day's service of such stenographer, a fee of five dollars ($5.00) to be collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county. It shall be the duty of the clerk of the court, under the provisions of this act, after rendering an itemized statement for costs, as required by law, to issue execution for same where costs are not paid forthwith by the party against whom they are taxed.

SECTION 4. The commissioners shall provide said stenographer with an office in the court house, and shall also provide necessary stationery for the use of said stenographer. Said stenographer shall have power to take and certify depositions in any of the courts of this state, and

take and certify depositions to be used in any other county of this state in cases pending in said counties; and may be appointed referee to take and report proof in causes pending in any of the courts of said county; and in taking such depositions and proof he shall have power to swear witnesses, and for services under this section shall be entitled to receive the same fees as other officers authorized to perform such services in this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902.

[Senate Bill No. 177.]

AN ACT

To authorize the trustees of Sylvania township, Lucas county, Ohio, to submit to a vote of the electors of said township the question of discharging from liability the bondsmen of Alonzo W. Bellows, late township treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Sylvania township, Lucas county, Ohio, be authorized at a general or special election, to be held at the usual place of holding elections in said township, to submit to the qualified electors of said township the question of discharging from liability the sureties upon the official bond of Alonzo W. Bellows, late township treasurer of said township.

SECTION 2. Ten days' notice of such election shall be given by posting notices thereof in three public places in said township. The ballots for said election shall have printed thereon "Discharge of bondsmen—yes;" "Discharge of bondsmen—no," and shall have a place at the left of each proposition for the voter to check the proposition he favors. If the majority of votes cast, as shown by the poll book of such election, shall be in favor of such discharge the trustees of such township shall have full authority to release and discharge said sureties from all liability on said official bond.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902.

[Senate Bill No. 178.]

AN ACT

To authorize the village council of the incorporated village of Sylvania, Lucas county, Ohio, to submit to a vote of the electors of said village the question of discharging from liability the bondsmen of Alonzo W. Bellows, late village treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the common council of the village of Sylvania, Lucas county, Ohio, be authorized at a general or special election to be held at the usual place of holding elections in said village to submit to the qualified electors of said village the question of discharging from liability the sureties upon the official bond of Alonzo W. Bellows, late village treasurer of said village.

SECTION 2. Ten days' notice of such election shall be given by posting notices thereof such as are required by law for other village elections. The ballots for said election shall have printed thereon, "Discharge of bondsmen—yes;" "Discharge of bondsmen—no," and shall have a place at the left of each proposition for the voter to check the proposition he favors. If the majority of the votes cast as shown by the poll books at such election shall be in favor of such discharge, the council of such village shall have full authority to release and discharge said sureties from all liability on said official bond.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 4, 1902. 114L

[Senate Bill No. 129.]

AN ACT

For the relief of J. B. Taylor, late treasurer of Goshen township, Tuscarawas county, Ohio.

WHEREAS, In the year 1895, J. B. Taylor was the treasurer of Goshen township, Tuscarawas county, Ohio, and as such treasurer had on deposit with the city bank of New Philadelphia, in the city of New Philadelphia the sum of five hundred dollars ($500.00), as evidenced by a deposit certificate issued to him as such treasurer by said bank; and,

WHEREAS, On the 10th day of February, 1896, said bank failed and the owner thereof made an assignment for the benefit of creditors, and that out of the assets of said bank the assignee paid to said J. B. Taylor, a total of $112.45, which left a balance of $387.55, which sum said owner of said bank can never pay for the reason that he is now dead, and the assignee discharged; and

WHEREAS, A majority of the largest taxpaying electors of said township have, by their petition, expressed a desire to have the said J. B.

Taylor and his bondsmen released from any loss or liability growing out of the failure of said bank; and.

WHEREAS, Said money belonging to said township was so deposited by said J. B. Taylor, as such treasurer, for the reason that said township of Goshen was not provided with a safe or vault or place for the safe keeping of the funds thereof as required by law; and

WHEREAS, Said J. B. Taylor, as such treasurer, in depositing said funds was wholly without fault or negligence, on his part; and

WHEREAS, Said J. B. Taylor has paid to the treasurer of said Goshen township, who succeeded him in office, said balance of $387.55; therefore, *Be it enacted by the General Assembly of the State of Ohio*:

SECTION 1. That the trustees of said Goshen township, Tuscarawas county, Ohio, shall authorize and require said treasurer, who succeeded said Taylor, or his successor in office, to pay over to said J. B. Taylor said sum of $387.55, said repayment to be made and paid out of any funds now in the treasury of said township, or that may come into the treasury of said township, hereafter; and said J. B. Taylor and his official sureties shall be forever released from any liability to said township for said amount so lost by reason of the failure of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed April 4, 1902. 115L

[Senate Bill No. 124.]

AN ACT

For the relief of John W. Oliver, treasurer of Union township, Tuscarawas county, Ohio, and his bondsmen.

WHEREAS, On the 28th day of July, 1896, the Dennison Deposit bank, in Dennison, Ohio, failed in a large amount; and,

WHEREAS, John W. Oliver, treasurer of Union township, Tuscarawas county, Ohio, had on deposit in said bank, as such treasurer, at the time of such failure, money belonging to said treasurer in the sum of $407.77, which belonged to the township fund of said Union township; and,

WHEREAS, The assignee of said bank has wound up its affairs and paid final dividends on said amount, leaving a balance due said township of $380.90, for which sum and costs amounting to the sum of $50.00, said township recovered a judgment against said John W. Oliver and his bondsmen at the January term, 1901, of the court of common pleas of Tuscarawas county, Ohio, in an action pending therein, numbered 7638, and entitled, "The state of Ohio on relation of M. A. Page, plaintiff, against John W. Oliver, Margaret Oliver, and Alice Baldwin," and which case is now pending in the circuit court in said county; and

WHEREAS, Said bank became insolvent and made a general assignment for the benefit of its creditors without any fault or neglect of said John W. Oliver; and,

WHEREAS, The trustees of said township did not furnish said treasurer with a safe or other means of protecting said money in his hands: therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the said John W. Oliver and bondsmen, Margaret Oliver and Alice Baldwin be and they hereby are released from the payment of said money and said judgment so obtained against them. And the trustees of said Union township are hereby authorized and required by suitable resolution to make an entry on the records of said township, showing said release.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed April 4, 1902. 116L.

[House Bill No. 793.]

AN ACT

To authorize the village of Fayette, Fulton county, Ohio, to issue bonds for the purpose therein mentioned.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Fayette, Fulton county, Ohio, be and is hereby authorized and empowered to borrow not to exceed fifteen thousand dollars for the purpose of paving and otherwise improving certain streets in said village.

SECTION 2. That for the purpose of meeting the expenses aforesaid the said council of the incorporated village of Fayette, Fulton county, Ohio, is authorized to issue bonds to be signed by the mayor and attested by the clerk of said village, in denomination of not less than one hundred dollars ($100), and not more than one thousand dollars ($1,000) bearing interest at a rate not to exceed five per cent. per annum, payable annually; said bonds to be payable at such time or times not exceeding fifteen years from their respective dates thereof, as said council may determine, which said bonds shall not be sold for less than their par value and to be sold without compensation or commission, and said bonds may at the discretion of the council have interest coupons attached, and said bonds and interest shall be made payable at the village of Fayette, Ohio.

SECTION 3. That for the purpose of paying said bonds and interest as the same becomes due, the said council is hereby authorized and empowered to levy sufficient taxes on all the property in said incorporated villge of Fayette, Fulton county, Ohio, in addition to all other taxes authorized by law, in such amounts as shall meet each year the principa

and interest thus falling due on said bonds, which levy shall be placed on the tax duplicate by the auditor of said Fulton county, and collected as other taxes.

SECTION 4. Provided however, before said bonds can be issued or sold, the council of said village of Fayette shall submit the question of issuing the bonds aforesaid to the qualified electors of said village at a regular or special election called or held for that purpose, of which election at least ten days' notice shall be given by publication in two newspapers of general circulation in said village, which notice shall contain the time and place of holding such election, and if a majority of such electors voting upon said question shall vote in favor of the same then, and not otherwise, shall the council of said village be authorized to issue the bonds as herein provided. Those voting in favor of the proposition to issue said bonds shall have written or printed on their tickets the words. "Authority to issue bonds for paving and other street improvement,—Yes," and those voting against said proposition the words, "Authority to issue bonds for paving and other street improvement,—No."

SECTION 5. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed April 10, 1902. 17L

[House Bill No. 429.]

AN ACT

To amend supplementary section 897-2. to section 897 of the Revised Statutes of Ohio, as passed April 27, 1896 (O. L. vol. 92 p. 427).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 897-2 supplementary to section 897 of the Revised Statutes of Ohio, as passed April 27, 1896, be amended so as to read as follows: Each county commissioner in Ashland county, Ohio, elected after the passage of this act, in the county of Ashland, state of Ohio, shall devote so much of his time as shall be required to enable him to properly and efficiently discharge the duties of his office and shall receive a yearly salary of six hundred ($600.00) dollars, which shall be paid in equal quarterly installments, provided, however, that each commissioner shall be allowed and paid, in addition to said six hundred dollars, for his expenses in the discharge of his duties within the county the sum of three hundred dollars per annum, and in addition thereto he shall be allowed and paid his necessary expenses while on business for the county outside its limits, said expenses to be paid quarterly out of the county treasury on the warrant of the county auditor, a sworn statement of such expenses incurred by each commissioner while doing business outside the county must be filed with the prosecuting attorney of said county, and approved by him. Said allowance for salary and expenses heretofore mentioned shall be in lieu of all per diem, mileage, or any other perquisites.

SECTION 2. That said supplementary section as passed April 27, 1896, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 118L

[House Bill No. 531.]

AN ACT

To increase the salary of township trustees in Ward township, Hocking county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each township trustee in Ward township, Hocking county, Ohio, shall be entitled to receive one dollar and fifty cents for each day's service performed in the discharge of his duties in relation to partition fences, to be paid in equal proportions by the parties, and one dollar and fifty cents for each day's service in attending to the business of the township, to be paid out of the township treasury; but in no year shall the compensation of any trustee exceed two hundred and fifty dollars, to be paid out of the township treasury, including all services in connection with the poor and public highways; and each trustee shall present an itemized statement of his account for services and per diem, and the same shall be filed with the clerk of the township, and by him preserved for inspection by any person interested.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 119L

[House Bill No. 719.]

AN ACT

To authorize the board of education of the Harrison township school district, of Carroll county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the township school district of Harrison township, Carroll county, Ohio, is hereby authorized to transfer the sum of four hundred dollars from the school fund of said township school district to the contingent fund of said township school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 120L

[House Bill No. 651.]

AN ACT

To amend section 3 of an act entitled, "An act to authorize the trustees of cemeteries of certain cities to borrow money, issue bonds and purchase ground for cemetery purposes," passed April 12, 1900 (94 O. L., 560).

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to authorize the trustees of cemeteries of certain cities to borrow money, issue bonds and purchase ground for cemetery purposes," passed April 12, 1900 (94 O. L., 560), be amended so as to read as follows:

Sec. 3. That for the purpose of paying such bonds, and the interest thereon, as the same shall become due, said board of cemetery trustees shall set aside and place with the sinking fund of such city, from the proceeds of sale of lots or burial rights, or from the funds in their possession, each six months, a sum of money sufficient to pay the interest on said bonds, and such proportion of the principal as will, at the maturity of the last of said bonds, create a fund sufficient to redeem the same; and if any such city has, or shall have, a board of sinking fund trustees, said board of cemetery trustees shall, each six months, file with said sinking fund trustees, in addition to any reports otherwise required by law, a detailed statement of sales, receipts and disbursements of the prior six months, including also debts to and from any said cemetery or board of cemetery trustees, and shall also deposit with any said sinking fund trustees, any and all amounts herein required to be set aside and placed or deposited for payment of said bonds and interest.

SECTION 2. That said section 3 of an act entitled "An act to authorize the trustees of cemeteries of certain cities to borrow money, issue bonds and purchase ground for cemetery grounds," passed April 12, 1900, (94 O. L., 560), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 121L

[House Bill No. 483.]

AN ACT

To authorize the council of the village of Holgate, Henry county, state of Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Holgate, Henry county, state of Ohio, be and it is hereby authorized to transfer seven hundred ($700.00) dollars from the clerk and marshal fund of said village to the corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 122L

[House Bill No. 385.]

AN ACT

To authorize the county commissioners of Montgomery county, Ohio, to take charge of, maintain and control a certain road therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Montgomery county, in the state of Ohio, be, and they are hereby authorized to take charge of, use, maintain and control as a county special pike a certain highway, commencing at the point of intersection of the Springboro road with the Cincinnati turnpike, in Miami township in said county, and embracing the portion of said Springboro road extending from said point of intersection northward to its junction with what is known as the River road, and the portion of said River road from said junction northward to the south corporation line of the city of Dayton, Ohio; said county special pike as aforesaid to extend a total distance of four miles, more or less, through sections of Miami, Van Buren and Harrison townships in said Montgomery county.

SECTION 2. When said commissioners of said county of Montgomery shall have taken possession of said Springboro and River roads in obedience to the provision of section 1, the same shall thereafter be held by said commissioners maintained and kept in repair by levy of necessary tax upon the taxable property of said county, or otherwise as may be provided for similar pikes under existing law.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 123L

[House Bill No. 273.]

AN ACT

To annex additional territory to the Jerry City special school district, in Wood county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Portage township, Wood county, Ohio, is severed from the Portage township school district, and is hereby annexed to the Jerry City special school district, to-wit: The northwest quarter (¼) of section number thirty-three (33); town four (4) north, range eleven (11) east, and also the south one-half (½) of section number thirty-four (34), town four (4) north, range eleven (11) east, in said Portage township.

SECTION 2. That the following described territory in Bloom township, Wood county, Ohio, is severed from Bloom township school district, and is hereby annexed to the Jerry City special school district, to-wit: All of section number five (5), (except the southwest quarter thereof) in town number three (3) north, range eleven (11) east, and also the southwest quarter (1-4) of section number four (4), town three (3) north, range eleven (11) east, and also the north one-half (½) of section number three (3), town three (3) north, range eleven (11) east, in said Bloom township.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 124L

[House Bill No. 539.]

AN ACT

To amend section three of an act entitled "An act to create, organize and regulate the board of education of subdistrict No. ten (10) of Cynthian township, Shelby county, Ohio," passed April 21, 1898 (O. L., vol. 93, p 571).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section three of an act entitled "An act to create, organize and regulate the board of education of subdistrict number ten (10) of Cynthian township, Shelby county, Ohio," passed April 21, 1898, be amended so as to read as follows:

Sec. 3. The directors of such subdistrict, two of whom shall constitute a quorum, shall meet within five days after the third Monday of April each year, at such place as may be most convenient in the subdistrict, and organize by appointing one of their number president and another clerk of the subdistrict. Said clerk shall record all proceedings in a book to be provided for that purpose together with the minutes of the proceeding of the annual school meetings held in the subdistrict by the electors thereof, which shall be a public record; all such proceedings when so recorded shall be signed by the clerk. The directors may meet as fre-

quently as they deem necessary for the transaction of business, and may fill vacancies in the office of president or clerk, or if either be absent either of the other directors may officiate temporarily in his absence; but no business shall be transacted at a meeting of which due notice has not been given to each of the directors of the subdistrict, either personally or by written notice left at his residence or usual place of business. There shall be elected by said directors of said subdistrict at their annual April meeting for the year 1903, and annually thereafter, a treasurer for said subdistrict, to serve for the term of one year commencing on the first day of September after such election. Said treasurer shall qualify as provided in section 4043 of the revised statutes of Ohio, but the bond shall be approved by said directors and filed with the clerk of said subdistrict. Immediately on the qualification of such treasurer it shall be the duty of the treasurer of said Cynthian township to pay over all school moneys in his possession of the treasurer of said subdistrict and it shall be the duty of the county treasurer thereafter to pay over to such treasurer of such subdistrict all school moneys to which such subdistrict shall be thereafter entitled. Said treasurer of said subdistrict shall not pay out any school money except on an order signed by the president and clerk of said board of directors; and no money shall be paid to the treasurer of said subdistrict, other than that received from the county treasurer and the township treasurer as aforesaid, except upon the order of the clerk of said subdistrict, who shall report the amount of such miscellaneous receipts to the county auditor each year immediately preceding such treasurer's settlement with the auditor. Said directors may fill any vacancy in the office of treasurer. Except as otherwise provided in this act said subdistrict shall be governed by such laws as are now or may hereafter be in force relating to the common schools in township districts.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON.
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed April 10, 1902. 125L

[House Bill No. 581.]

AN ACT

To authorize boards of education in city districts of the second grade of the first class to issue bonds for the purpose of purchasing sites, and erecting and furnishing school buildings for common schools.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the second grade of the first class, be and they are hereby authorized and empowered to issue bonds for the purposes hereinafter set forth, in an amount not to exceed three hundred and fifty thousand dollars, payable not later than twenty years from the issue thereof.

SECTION 2. Said bonds shall be issued and sold in the manner and form provided by section 22*b* of the Revised Statutes of Ohio: shall con-

tain a citation of the law and resolution authorizing the same; shall be signed by the school director and the auditor of the board, and shall bear interest not to exceed four per cent, per annum payable semi-annually.

SECTION 3. The funds arising from the sale of said bonds shall be solely for the use of the common schools within such city districts to pay the cost of purchasing the necessary sites, constructing the necessary buildings and equipping buildings so constructed, or for completing the construction and equipment of such common school buildings as may be in process of construction at the time of the passage of this act, and such funds shall be used and applied to no other schools and for no other purpose whatsoever.

SECTION 4. To provide for the redemption of said bonds and the payment of interest thereon, said boards of education are hereby authorized and required to levy, annually, until said bonds mature, upon the general tax duplicate of said districts, in addition to levies for all other purposes, such a tax as will raise not less than seventy-six dollars and thirteen cents for each one hundred dollars of bonds issued hereunder. In case there be a board of education sinking fund commission in any district so issuing said bonds, the proceeds of said tax so levied shall be appropriated and paid over by said boards of education, to the board of education sinking fund commission of said district, and the said commission shall use such funds for the redemption of said bonds and the payment of the interest thereon, and for no other purpose.

SECTION 5. That all statutes inconsistent with any provisions of this act are hereby repealed, so far as the same are inconsistent herewith, and not otherwise.

SECTION 6. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 126L

[House Bill No. 660.]

AN ACT

Granting authority to the commissioners of Scioto county, Ohio, to levy a tax for the improvement of county roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Scioto county, Ohio, may levy annually a tax not exceeding one-half a mill on the dollar for each year upon all the taxable property in said county, in addition to the levies now authorized by law, the same to be collected as other taxes, for the purpose of providing a fund to be known as the "County road fund" which when collected, shall be used and expended by said commissioners in the improvement of the county roads, other than turnpikes and improved roads, within said county, by grading or grading and graveling or grading and macadamizing the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 127L

House Bill No. 182.]

AN ACT

To amend an act entitled "An act to supplement section 897 of the Revised Statutes of Ohio," passed April 13, 1900, (94 O. L., 146).

[JEFFERSON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the part of the supplement to section 897 of the revised statutes of Ohio, relating to counties that had by the federal census of 1890 a population of not less than 39,400, nor more than 39,450, be amended so as to read as follows:

Sec. 897*ab*. In all counties which have a population of not less than 44,350, nor more than 44,360, each county commissioner shall receive a salary of ten hundred dollars ($1,000) per annum, payable in equal monthly installments out of the county treasury, upon the warrant of the county auditor, and each county commissioner in such counties shall devote his entire time, if so required, to the duties of his office. In addition to the above salary each commissioner shall receive two hundred dollars for expenses incurred in the discharge of his official duty, such additional sum to be paid quarterly out of the county treasury upon the warrant of the county auditor; when necessary to go out of their respective counties on official business, each commissioner may in addition to compensation heretofore provided, receive his actual traveling expenses, and no more, which, before being paid shall be presented in an account and approved in writing by the prosecuting attorney, and probate judge. The full board of county commissioners shall attend at their office on the first Monday in each and every month of each year, and remain in session not less than eighteen days in each month for the dispatch of the business of their regular monthly session, and such other business as may come before them.

SECTION 2. That said supplement to section 897, as it is referred to in section one of this act, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 10, 1902. 128L

[Senate Bill No. 158.]

AN ACT

To authorize and empower the county commissioners of Darke county, Ohio, to levy a tax for the purpose of improving a county road.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Darke county, Ohio, be, and they are hereby authorized and empowered to levy a tax upon the taxable property of said Darke county, in a sum not exceeding one thousand dollars ($1,000) for the purpose of defraying the expense of regrading, leveling, draining and graveling a certain county road extending from the town of Weaver's Station, in Neave township, of said Darke county, Ohio, and for the further purpose of making all necessary cuts and fills upon and along said road so as to make the same convenient and practicable for the ordinary uses of public travel. Said tax shall be levied and collected as other taxes in said county.

SECTION 2. The said county commissioners are hereby authorized and empowered to advertise and let contracts for making the improvement contemplated in section 1 of this act, in all respects in accordance with the general laws for letting contracts for building and constructing free turnpikes. And they are hereby authorized and empowered to have such surveys, plans and specifications made for said improvement, as may be necessary, and in like manner as the same are prepared for the building and construction of free turnpikes.

SECTION 3. That to pay the expense of making said improvement, the said county commissioners shall expend so much of the proceeds arising from the levy and collection of said tax mentioned in section 1, as may be necessary to defray all expenses of making said improvement, and such other things as are necessarily incident thereto. That the remainder of said money, so levied and collected, if any, shall be turned over into the free turnpike fund of said county, and be expended as provided by law for such fund.

SECTION 4. The county commissioners are hereby authorized to issue and sell bonds to anticipate the said taxes.

SECTION 5. This act shall be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.

F. B. ARCHER,
President pro tem. of the Senate.

Passed April 14, 1902. 129L

[House Bill No. 472.]

AN ACT

To amend an act entitled "An act to amend an act entitled 'An act to authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities,'" passed April 11, 1900 (94 O. L., 555).

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled (an act to amend) "An act to authorize cities of the second grade of the first class to issue bonds for the

purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities," passed April 11, 1900 (94 Vol. 55), be so amended as to read as follows:

Sec. 1. That cities of the second grade of the first class in the state of Ohio, are hereby authorized to borrow money in such sum or sums, and at such time or times, as the city council shall deem best, not to exceed in the aggregate the sum of two million three hundred thousand dollars, at a rate of interest not to exceed five per centum per annum, payable semi-annually, for the purpose of purchasing land for pumping stations and for the construction of all pumping stations with the necessary buildings, engines, boilers and equipments, aqueducts, pump-wells, and other appurtenances necessary for the equipment of a complete pumping plant; also for the construction of such tunnels, shafts, inlets and construction cribs, as may be required for supplying such city with water as the council shall direct. For the purpose of effecting such loan and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds, in such denominations, payable at such time or times, not exceeding thirty years from date thereof, and for such amount or amounts, not exceeding in the aggregate the said sum of two million three hundred thousand dollars, as the city council may from time to time direct. Such bonds shall conform to the requirements of chapter 2, of division 9, of title 12, of part first of the Revised Statutes of Ohio.

SECTION 2. The said original act entitled, an act to amend "An act to authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities," passed April 11, 1900 (94 Vol. 555), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 14, 1902. 130L.

[House Bill No. 785.]

AN ACT

To amend section 3 of an act entitled "An act to create the township of Antrim, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township and levy and assess taxes for said macadamizing and improving of said roads and highways in said township and provide for road supervisors," passed April 16, 1900, (O. L. 94, pages 658 and 659).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to create the township of Antrim, county of Wyandot, state of Ohio, a separate road district," passed April 16th, 1900, be amended so as to read as follows:

Sec. 3. The township clerk shall furnish such trustees with a list of names of all persons in said township, by law to do road work, and the amount of said work required by each; and all labor on said roads shall be performed under the direction and supervision of the road supervisor. The trustees shall divide said separate township road district into not less than five nor more than eight supervisor road districts, and the several supervisors shall be elected for one year by the electors of said supervisor road district at the general spring election, following the passage of this act, and shall annually thereafter be elected. The township trustees shall have entire control of all roads in said township not now by law under control of the county commissioners, and shall direct such improvements of the roads in said township by the supervisors as they deem advisable.

SECTION 2. That section 3 of an act entitled "An act to create the township of Antrim in the county of Wyandot, state of Ohio, a separate road district," passed April 16, 1900, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 14, 1902. 131L

[Senate Bill No. 215.]

AN ACT

To authorize the county commissioners of the county of Paulding, to use not to exceed $3,000 of the Junction pike fund of said county, to improve, by grading and macadamizing the same, the county road extending from the Auglaize river bridge east of Junction, said county, north to the Defiance county line.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the county of Paulding, be and the same are hereby authorized to use and expend not to exceed $3,000.00 of the Junction pike fund of said county, to improve, by grading and macadamizing the same, the county road extending from the Auglaize river bridge east of Junction, said county, north to the Defiance county line.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 14, 1902. 132L

[House Bill No. 865.]

AN ACT

To fix the compensation of certain township trustees and clerks.

[WASHINGTON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in every township in this state in which there is a city having a population not less than thirteen thousand three hundred and forty-eight and not more than thirteen thousand three hundred and fifty-eight according to the last census, the township trustees and clerks therein shall each receive in full for his services and expenses in the discharge of his duties as such township officer, the sum of two hundred and fifty dollars per annum; provided that this section shall not apply to the compensation of such officer during a term for which he has been elected before this act takes effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 133L

[House Bill No. 643.]

AN ACT

To increase the salary of the clerk of Ward township, Hocking county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the clerk of Ward township, Hocking county, Ohio, shall be entitled to the following fees to be paid by the parties requiring the service: Twenty-five cents for recording each mark or brand; ten cents for every hundred words of record required in the establishment of township roads, to be opened and repaired by the parties; and ten cents for each hundred words of records or copies in matters relating to partition fences, but not less than twenty-five cents for any one copy, to be paid out of the township treasury; ten cents for every hundred words of record required in the establishment of township roads, to be opened and kept in repair by the supervisors; and for keeping the record of the proceedings of the trustees, stating and making copies of accounts and settlements, attending suits for and against the township, and for any other township business the trustees require him to perform, such reasonable compensation as they may allow; but in no one year shall he be entitled to receive out of the township treasury more than two hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 134L

[House Bill No. 608.]

AN ACT

To authorize the board of education of Rarden township, Scioto county, Ohio, to levy an additional tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Rarden township, Scioto county, Ohio, be and the same is hereby authorized to levy not to exceed twelve (12) mills on the dollar instead of the tax now authorized by law, the same to be collected as other taxes, for the purpose of building and furnishing two schoolhouses in said township, county and state, and for other necessary school expenses in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 135L

[House Bill No. 462.]

AN ACT

Relating to the salaries of the commissioners of Gallia county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Gallia county each county commissioner shall receive a salary of nine hundred dollars per annum, payable in equal monthly installments out of the county treasury upon the warrant of the auditor, and each county commissioner in said county shall devote his entire time to the duties of his office, if so required, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out, or otherwise.

SECTION 2. Any provision of any statute in force when this act takes effect and which conflicts with any provision of this act shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties herein described.

SECTION 3. This act shall take effect and be in force from and after September 15, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 136L

[Senate Bill No. 222.]

AN ACT

To authorize the commissioners of Highland county to build a free turnpike, and to issue bonds therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Highland county be, and they hereby are, authorized to cause to be made, as hereinafter provided, a good and substantial free turnpike road, beginning at the Buford cemetery near the village of Buford in said county at the Mowrystown and Buford free turnpike; thence in a southerly direction over the road leading from Buford, Ohio, to Sardinia, Ohio, to the residence of John O. Earhart; thence in an easterly direction over the same road to the residence of C. E. Wright; thence in a southerly direction over the same road to the Flat run road near the schoolhouse in district No. 9 of Clay township, in said county.

SECTION 2. Said commissioners are hereby authorized and required to appoint three judicious, disinterested freeholders of said county as viewers, and a competent surveyor, who shall, within a reasonable time, to be fixed by said commissioners, proceed to lay out said free turnpike, and return to said commissioners a map and profile of the same, together with a statement of the probable cost thereof; and they shall also in said statement divide said turnpike into sections of not less than one-half mile each.

SECTION 3. Upon the filing with said commissioners of said map, profile, and statement, said commissioners shall let the contract for construction of said turnpike to the lowest responsible bidder or bidders, in sections according to said statement returned by the viewers.

SECTION 4. For the purpose of paying for the construction of said turnpike said commissioners shall issue bonds of the county payable in such time as said commissioners may determine, but not longer than five years, and shall sell said bonds at not less than their par value, and they shall bear not to exceed six per cent. interest per annum; and said commissioners shall by order entered on their journal make a levy on all the taxable property of the county sufficient to pay said bonds and the interest thereon as they become due.

SECTION 5. In the letting of the contracts for said turnpike, both as to material and construction, said commissioners shall be governed by the provisions of chapter 7, title 7, of the Revised Statutes of Ohio, relating to such contracts.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 137L

[House Bill No. 294.]

AN ACT

To supplement sections 4 and 8 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in Ohio," passed April 18, 1892 (O. L., 89-455), now designated and enforced as sections (2966-4) and (2966-8), respectively, of the Revised Statutes of Ohio, by the enactment of sections 4c and 8a, which shall be respectively designated section (2966-4c) and section (2966-8a), and to repeal section (1545-278) of said Revised Statutes.

[SUMMIT AND MAHONING COUNTIES.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in Ohio," passed April 18, 1892 (O. L., 89-455), now designated and enforced as section (2966-4) of the Revised Statutes of Ohio, be, and the same is hereby supplemented by the enactment of section 4c, to be designated section (2966-4c) of said Revised Statutes, as follows:

Sec. 4c. In all counties which, by the federal census of 1900 had, or by any subsequent federal census shall have, a population of not less than 70,000 nor more than 75,000 inhabitants, each member of the board of deputy state supervisors of elections, shall be allowed and paid a salary of two hundred and fifty dollars per year, and the clerk thereof, shall be allowed and paid a salary of $400 per year, payable quarterly.

The board of deputy state supervisors of elections of such counties shall maintain an office at the county seat of their respective counties, and shall equip the same with the necessary furniture, fixtures, at an expense of not more than $250.00 per annum.

The salaries of the members and of the clerk of each of such boards of deputy state supervisors of elections, together with the necessary expenses incurred by said board in the maintenance of such office, or otherwise incurred in the conduct of elections within their respective counties, shall be payable upon vouchers approved by the board, out of the county treasury; and the county commissioners shall make the necessary levy to meet the same.

SECTION 2. That section 8 of the aforesaid act, now designated and enforced as section (2966-8) of the Revised Statutes of Ohio, be, and the same is hereby supplemented by the enactment of section 8a, to be designated section (2966-8a) of said Revised Statutes, as follows:

Sec. 8a. In all counties which, by the federal census of 1900 had, or by any subsequent federal census shall have, a population of not less than 70,000 nor more than 75,000 inhabitants, the deputy state supervisors of elections for each of such counties shall have all the powers and perform all the duties in the conduct of elections within their respective counties as are now imposed by the laws of Ohio upon said deputy state supervisors of elections, and in addition thereto, in all cities within their respective counties wherein the registration laws of Ohio are enforced, the said board of deputy state supervisors of elections of each of such counties shall constitute and be the city board of elections for each of such cities, and shall have all the powers, and perform all the duties now or hereafter imposed by law upon boards of elections for such cities.

SECTION 3. That section (1545-278) of the Revised Statutes of Ohio be, and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 138L

[House Bill No. 512.]

AN ACT

To establish a special school district at Sterling, Wayne county, Ohio, to be composed entirely of lands in Milton township, Wayne county, Ohio, and to provide more satisfactory facilities for the education of pupils in said special district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Milton township, Wayne county, Ohio, be and the same is hereby created and declared to be a special school district, to be known as the "Sterling special school district," to-wit: Beginning at the northeast corner of the northwest quarter of section four and continuing from thence westward along the county line to the northeast corner of section six; thence south along said section line to the quarter line of said section six; thence east along the said quarter line to the section line between sections five and six; thence south to the southwest corner of section eight; thence east along said section line to the quarter line road; thence south along said quarter line road eighty rods; thence east to the public highway, known as the South Amwell road; thence easterly along Chippewa creek to the north and south quarter line of section sixteen (16); thence due north along the said quarter line to the place of beginning, including the village of Sterling and all the railroad property in said territory.

SECTION 2. Within twenty days after the passage of this act, written or printed notice shall be posted in at least three of the most public places within said territory and signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, at an hour and place designated in said notice and then and there, in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect six members, to constitute a board of education to serve until the third Monday of April next succeeding their election two to serve one year and two to serve two years from said third Monday of April and until the election and qualification of their successors and on the second Monday of April each year following the first election of the board of education, there shall be elected, two members to serve for three years, and until their successors are elected and qualified.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school district, and said special school district shall be entitled to and shall receive its pro-

portionate share of the tuition funds, and the funds levied for schoolhouse and contingent expenses, now in the hands of the county or township treasurer, or now levied and not yet collected, said proportionate share shall be based upon the enumeration of children of school age for the year 1901.

SECTION 4. The board of education of said special school district shall prescribe the course of study which may include a high school course.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 139I

[House Bill No. 623.]

AN ACT

To authorize the board of education of Groveport special school district, of Groveport, Ohio, to issue bonds for the purpose of heating, ventilating and repairing the Groveport special school district schoolhouse, and also of paying existing indebtedness.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Groveport special school district, of Groveport, Franklin county, Ohio, is hereby authorized and empowered to issue bonds not to exceed the sum of two thousand dollars ($2,000) for the purpose of heating, ventilating and repairing the Groveport special school district schoolhouse, and also of paying existing indebtedness.

SECTION 2. Said bonds shall be issued by said board and signed by the president, and attested by the clerk thereof; they shall be of the denomination of not less than one hundred dollars ($100), nor more than five hundred dollars ($500) each, and payable at such time or times as said board may determine, not exceeding ten years from the respective dates thereof, and to bear interest at a rate not to exceed five per cent. (5%) per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, and at a public or private sale, as the board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes to be levied in addition to those now authorized by law, to pay the principal and interest of said bonds, as the same shall become due, in the manner provided by law for the levying and collecting of taxes for school and schoolhouse purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 140L

[House Bill No. 626.]

AN ACT

To transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Sardinia special school district of Brown county, state of Ohio, be, and it is hereby authorized to transfer the unexpended balance of the building fund to the tuition fund of said district.

SECTION 2. This act shall take effect and be in force on and after September 1st, 1902.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 141L

[House Bill No. 668.]

AN ACT

To authorize Ivan B. Thomas, trustee of the Baldwin school fund, to pay said fund to the board of education of Salem township, Champaign county, Ohio; and to provide for the investment and use of the said fund under the direction and control of said board of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Ivan B. Tmomas, as the trustee of the Baldwin school fund, shall pay over to the board of education of Salem township, Champaign county, Ohio, the full amount of said fund after the payment of costs and such charges as may be allowed by the probate court of said county.

And the receipts for such sum so found, signed by the president and the clerk of said board of education, in their official capacity, filed with the said probate court shall operate as a full and complete discharge of said trustee from all liability to or for said Baldwin school fund.

SECTION 2. The treasurer of said board of education shall receive said fund, and, subject to the provisions of this act, shall keep the same intact under the name of the Baldwin school fund. Said treasurer before receiving said fund shall execute a bond with sufficient sureties, in double the amount of said fund, payable to the board of education of Salem township, Champaign county, Ohio, to be approved by said board, conditioned for the faithful performance of his duties as treasurer of said fund.

SECTION 3. Said treasurer, under the authority, direction and control of said board of education, shall invest such amount of said fund as may be by said board determined, taking good and sufficient security therefor, to be approved by said board; provided, however, that no less sum than $1,044.00 shall be so invested. Said sum of $1,044.00, being the original amount derived from the sale of the real estate of said testator, shall remain perpetual and undiminished in amount. Said trea-

urer shall collect annually the interest on the amount so invested, and shall place the net income thereof to the credit of the contingent fund of said school district, to be applied as provided by law and the order of the board of education to school purposes.

SECTION 4. Said treasurer shall make a full and detailed report of the receipts and disbursements of said fund annually at the regular meeting of said board in the month of September, and he may be allowed such compensation for his services under this act as the board may deem just and reasonable.

SECTION 5. Said board of education is authorized and empowered to use the difference between the full amount of said fund and said original sum of $1,044.00 for such school purposes within the township school district as to it may seem just and proper.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15,1902. 142L

[House Bill No.780.]

AN ACT

To divide Jackson township, Sandusky county, Ohio, so as to make another election precinct.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Jackson, in Sandusky county, Ohio, be divided so as to make another election precinct as follows: To consist of twelve sections and six half sections of Jackson township, numbered as follows: Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and also south half of sections 19, 20, 21, 22, 23, 24.

SECTION 2. That said election precinct shall be known as the Burgoon precinct, and the voting place shall be at the village of Burgoon.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 143L

[House Bill No. 574.]

AN ACT

To change the site of a joint subschool district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the schoolhouse site of joint subdistrict, designated as number twelve of Jackson township, Darke county, Ohio, se-

lected by the commissioners establishing said joint district, be and the same is hereby changed, and the following site substituted in lieu thereof, to-wit: Commencing at a point on the north line of section twenty-five in township number thirteen of range one east, in said county and state forty-four rods west of the northeast corner of said section twenty-five; thence west along said north section line fifteen rods; thence south ten and two-thirds rods; thence east fifteen rods; thence north ten and two-thirds rods to place of beginning.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 144L

[House Bill No. 557.]

AN ACT

To authorize the trustees of Benton township, Hocking county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Benton township, Hocking county, Ohio, be, and they are hereby authorized to transfer five hundred dollars ($500) from the township fund of said township to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 145L

[House Bill No. 410.]

AN ACT

To authorize the board of education of Damascus township, Henry county, Ohio to borrow money for the purpose of constructing and equipping a school house, to be used jointly for a sub-district school and a township high school and to issue bonds therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Damascus township, Henry county, state of Ohio, be and it is hereby authorized and empowered to issue bonds not exceeding ten thousand dollars in amount for the purpose of erecting a school building in the village of McClure in said Da-

mascus township, to be used jointly for a common school for the subdistrict of said township, in which said village is situated (being subdistrict number 8, of said township), and a general township high school for said Damascus township: Said bonds to be issued at such times and in such sums and payable at such times, not exceeding ten years from date of issue, as said board of education may by resolution determine. Said bonds shall be signed by the president of said board of education, and countersigned by the clerk thereof, and shall bear interest at a rate not exceeding six per cent. per annum, payable annually, principal and interest payable at the office of said clerk of said board of education, and shall not be sold for less than their par value and accrued interest.

SECTION 2. That to provide for the paymnet of said bonds and the interest thereon, the said board of education of said township of Damascus is hereby authorized and required annually to levy a tax on all taxable property in said township, not exceeding two mills on the dollar valuation, which levy may if in the opinion of said board, it becomes necessary, be in addition to that now authorized by law to be levied by said board, the proceeds of said levy to be used in the payment of said bonds, and the interest thereof, when the same shall become due and payable.

SECTION 3. That the said school building when completed shall contain at least six departments, one of which shall be equipped and used for a township high school, exclusively, and the said building shall be managed and controlled by said board of education, and the tuition to said high school and to every department of said building shall be free to all resident pupils of school age in said township, subject to such rules and regulations as said board of education may prescribe; and the said board of education, when in its opinion, the same will be for the best interests of the pupils therein, may temporarily suspend school in any subdistrict of said township, adjacent to said subdistrict, number 6, and may provide for the conveyance of the pupils of the school so suspended to the school in said subdistrict number 6. Provided that nothing in this act shall be so construed as to require any pupil to procure the consent of said board of education to attend said schools in said subdistrict number 6, but the attendance as herein provided for, shall be a matter of right.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 146L

[House Bill No. 712.]

AN ACT

To define and create village school districts in the territory within and without the corporate limits of the village of Maumee, Lucas couny, Ohio, heretofore constituting the two school districts within said territory.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory lying within and without the corporate limits of the village of Maumee, Lucas county, Ohio, heretofore

constituting the school districts for such territory, be and the same is hereby divided into two village school districts, by a line commencing at the Maumee river in said village at a point where the said river would be intersected by the center line of Key street in said village if extended, thence northward on such line to the center line of said Key street, and thence over said center line of said street northward extended to the northerly corporate line of said village; thence in Adams township in said county along said center line of said Key street if extended to the northerly boundary line of the territory hereby divided into separate school districts, all of the said territory in said village of Maumee, and in said Adams township, lying easterly of said line to be known as "Village school district No. 1, of the village of Maumee," the said district to be and include all of the territory heretofore known as Waynesfield school district No. 1, and all of said territory lying westward of said line and including all territory in Adams township, Springfield township, and Monclova township, heretofore included in school district known as "Waynesfield school district No. 2," to be known as "Village school district No. 2, of the village of Maumee," each of said parts of said territory to be and constitute a separate village school district with all the privileges, rights, and immunities of village school districts, as provided for under and by the laws of Ohio, now in force or hereafter enacted.

SECTION 2. The board of education of each of said districts shall consist of six members who shall be electors and residents of the district from which he or she is elected, and shall have all the powers, rights and privileges, and perform all the duties and functions of members of boards of education of village school districts, as provided for by law, but the members of the boards of education of the two school districts heretofore existing within said territory (the limits thereof being the same as hereby divided) shall each continue to hold his or her office in their respective districts until the full expiration of the terms for which he or she was elected, and as such they each are to have the same powers, duties and privileges, and perform all the duties and functions of members of such boards, as if elected under the provisions of this act thereto.

SECTION 3. All the school properties within the said respective school districts shall belong to, and be the property of the district in which the same is situate, and be under the care, control and management of the board of education of such district, and each of the said districts shall be in all other respects governed in all things by the laws now in force and hereafter enacted, relating to village school districts.

SECTION 4. All children resident within each of said school districts shall be entitled to attend the high school in same district No. 2, when of proper age and scholarship to do so, without additional cost therefor.

SECTION 5. This act shall take effect and be in force from and after its passage, but it shall not operate against any existing contract whatever now in force and effect relating to either of said districts, or the schools therein, or to the teachers thereof, but such contracts and each and all of them shall continue in effect and be carried out as if this act had never been passed.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902.

147L

[House Bill No. 296.]

AN ACT

To establish a special school district at Owens, Marion county, Ohio, to be composed of a part of Pleasant township, Marion county, Ohio, and to provide more satisfactory facilities for the education of pupils in said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district, to be known as the "Owens special school district," to-wit: Beginning in the center of section No. 9, township six (6), south range fifteen (15), east; thence running south through the center of section sixteen (16) to the center of section twenty-one (21); thence running west to the center of section nineteen (19); thence running north along the center of section nineteen (19) to the south line of fractional section number seven (7); thence running east on the south line of fractional section number seven (7) to the southwest corner of section number eight (8); thence running north on the west line of section number eight (8) to a point where the center line of said section eight (8) running east and west intersects the west line of section number eight (8); thence east along the center line of sections eight (8) and nine (9) to the center of said section nine (9), the place of beginning, and being in Pleasant township, Marion county, Ohio.

SECTION 2. Within twenty days after the passage of this act written or printed notice shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, at an hour and place designated in said notice. And then and there in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect six members to constitute a board of education, two to serve until the third Monday of April next succeeding their election; two to serve for one year; and two to serve for two years from said third Monday of April, and until the election and qualification of their successors. And on the second Monday of April each year following the first election of the board of education, there shall be elected two members to serve for three years, and until their successors are elected and qualified.

SECTION 3. All the school property situated within said special school district shall be entitled to and shall receive its proportionate share of the tuition funds, and the funds levied for schoolhouse and contingent expenses now in the hands of the county or township treasuries, or now levied and not yet collected, said proportionate share shall be based upon the enumeration of children of school age for the year 1901.

SECTION 4. The board of education of said special school district shall prescribe the course of study which may include a high school course, and may, when in its opinion it will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund of said special district.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 148L

[House Bill No. 544.]

AN ACT

To authorize the city of Xenia, Greene county, to levy a tax for the support of a public library, to issue bonds for the purchase of a site for a library building, to provide for the acceptance of any donation or bequest for library building, and for the management and control of any such donation or bequest, and of such public library, and to provide for the free use of said library by the inhabitants of Xenia city school district.

WHEREAS, The public library of the city of Xenia, Greene county, is under the control, direction and management of the Xenia Library Association, a duly incorporated and organized association not for profit; and

WHEREAS, Said library is free to all the inhabitants of said city, being maintained and supported as provided by an act of the general assembly, entitled "An act to authorize cities of the fourth grade of the second class to levy a tax for the maintenance of a free public and school library," passed February 15, 1898, and found in Vol. 93, page 8 of the Laws of Ohio; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city of Xenia, Greene county, may accept any donation or bequest hereafter made to the city for the erection of a public library building, and may purchase a site therefor, for not exceeding five thousand dollars ($5,000.00) for the same, and for the improvement thereof, and when any such donation or bequest is made and accepted and a site for such library building purchased, the city council of said city shall cause to be levied and collected, annually as other general taxes are, a tax, of not exceeding one mill on each dollar of the taxable property within said city, and which, when collected shall constitute a "Public library fund;" provided, said levy for said purpose shall be sufficient to raise at least two thousand dollars annually, in addition to whatever sum may be necessary for the payment of the interest and the redemption of bonds for the purchase and improvement of a library site hereinafter provided for.

SECTION 2. Said tax when collected, except so much as may be necessary for the payment of interest and the redemption of bonds issued for the purchase and improvement of a library site, shall be paid to the treasurer of said Xenia Library Association, to be used only in the purchase of books, pamphlets, magazines, newspapers and for expense necessary to the proper and efficient conduct and management of said public library, and for the care, maintenance and preservation of the library buildings and property — and which said library shall be free to all the

inhabitants of said city under such reasonable rules and regulations as said library association may, with the approval of the city council, adopt.

SECTION 3. The city council shall require said library association to render an account as often as it shall deem proper, of all taxes so received and expended by it, and the treasurer of said association shall, before entering upon the discharge of any duties under this act, give bond to the city of Xenia in twice the probable amount of money to be received, to the approval of the city council, conditioned for the due accounting, care and expenditure of all money paid to said treasurer by reason of this act.

SECTION 4. If at any time said library association shall fail to keep up and maintain in a public place in said city a public library free to all inhabitants of said city, said taxes so levied and collected shall be managed, controlled and expended by a board of directors to be appointed by the city council, consisting of six citizens of said city, who shall hold their office for three years from the date of their appointment, and shall divide themselves at their first meeting into three classes by lot, one-third for one year, one-third for two years, and one-third for three years, and their terms shall expire accordingly. They shall thereupon have the exclusive control of the expenditure of all money collected or received for the benefit of said library, and in all other respects shall manage and control said library funds as provided by an act of the general assembly of the state of Ohio, passed March 15, 1892, and found in Vol. 89, page 98 of the Laws of Ohio.

SECTION 5. The board of education of Xenia city school district, Greene county, may levy a tax not exceeding one mill on the dollar valuation of all the property outside the limits of the city of Xenia, and within said city school district, which, when collected, shall be paid by the treasurer of the board of education to the treasurer of the said library association to be used, managed, expended, and controlled for the benefit of said public library as are taxes collected by the city of Xenia for said purpose; provided, however, that such library shall thereupon become free to all the inhabitants of said city school district, as well as of said city.

SECTION 6. The city council of the city of Xenia, Greene county, may purchase ground for library purposes upon which to erect a library building, and may expend not exceeding five thousand ($5,000.00) dollars in the purchase and improvement of such site, and to provide for the purchase and improvement thereof the city council shall issue and sell the bonds of said city for said sum, payable in ten equal annual installments, and which shall bear interest at four per cent. per annum, payable annually. Said bonds shall be executed by the mayor and countersigned by the president of the city council, and shall not be sold for less than par.

In said levy provided for in the first section of this act, the council shall cause to be raised by said tax sufficient money in addition to said sum of two thousand ($2,000.00) dollars to pay the interest and principal of said bonds as they mature.

SECTION 7. Said library association shall have the control, custody and management of all the property of said public library in said city, whether the same has been, is, or shall be derived from taxation, or by gift, donation, bequest, transfer, or conveyance, and whether of real or personal property, in trust for the use and benefit of all the inhabitants

of said city, and of the inhabitants of said city school district, if the board of education levy the tax provided for in the fifth section of this act; provided, that said library association shall adopt no plans for a public library building, nor contract for the erection of any such building, nor make any expenditure of any money derived from taxation or donations for said purposes, until full plans and specifications of any proposed building, and such contracts have been submitted to and approved by the city council.

And should said library association fail to keep up and maintain in a public place, in said city, a public library, free to all the inhabitants of said city and of said city school district, upon the conditions aforesaid, all said property held or controlled by said library association for public library purposes, derived from taxation as aforesaid, or from gifts, donations, bequests, transfers or conveyances, whether of real or personal property shall thereupon pass to and under the control of a board of six directors to be appointed by the city council as provided in section 4 of this act.

SECTION 8. The support and maintenance of the public library in said city of Xenia shall continue to be as provided for in said act aforesaid referred to in the preamble hereof, passed February 15, 1898, until such donation or bequest is made for a public library building and accepted by said city and a site purchased therefor; and the levy herein provided for shall be, when it becomes operative, in lieu of all taxes for public library purposes, both in said city of Xenia and in said Xenia city school district.

SECTION 9. All property, whether real or personal, used for public library purposes, in said city, shall be exempt from taxation and from sale on execution or order in the nature of execution.

SECTION 10. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 149L

[House Bill No. 463.]

AN ACT

Relating to the salaries of the infirmary directors of Gallia county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Gallia county each infirmary director shall receive a salary of seventy-five dollars per annum, payable in equal monthly installments out of the county treasury upon the warrant of the auditor, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out, or otherwise.

SECTION 2. Any provision of any statute in force when this act takes effect and which conflicts with any provision of this act shall, to the ex-

ent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties herein described.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 150L

[Senate Bill No. 143.]

AN ACT

To cure a defect in the formation of "The Tarlton Cemetery Society" of Pickaway county.

WHEREAS, "The Tarlton Cemetery Society" having been formed by the requisite number of citizens of Pickaway county, Ohio, at a meeting held for the purpose in the town of Tarlton, in said county, under an act of the legislature passed February 24th, 1848, entitled "An act making provision for the incorporation of cemetery associations," but having failed to have the proceedings of said meeting at which said "society" was formed recorded in the office of the county recorder, as provided by section 2 of said act, and having from that time to the present exercised the powers, privileges and immunities conferred upon it by the terms of said act; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That "The Tarlton Cemetery Society" be and the same is hereby declared to have been duly formed and organized as a cemetery association under the act of February 24th, 1848, notwithstanding the failure of said "society" to have a record of its formation made as provided by the second section of said act, and that no act heretofore or hereafter done by said "society" shall be held to be illegal by reason of said "society" having failed to comply with section 2 of said act.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives
CARL L. NIPPERT,
President of the Senate.

Passed April 17, 1902. 151L

[Senate Bill No. 158.]

AN ACT

To authorize the board of county commissioners of Athens county, Ohio, to purchase real estate in or near the village of Athens, in said county and improve said real estate, for the purpose of holding county fairs thereon, and to issue and sell bonds of said county therefor and levy taxes to pay the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Athens county, Ohio, be and they are hereby authorized and empowered to purchase for and on behalf of said county, real estate in or near the village of Athens in said county, and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and advancement of agriculture in said county; and, in case such purchase shall be made, the title to the real estate so purchased shall be conveyed to and vest in said board of county commissioners of said county.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to purchase, pay for and improve said real estate, are hereby authorized to issue and sell bonds of said county in any amount not to exceed $15,000, payable at such place, at such time or times, not exceeding in all a period of thirty years from the date of issue, and bearing such rate of interest, not exceeding six per cent per annum, payable semi-annually, as said board of county commissioners may determine, and said bonds shall not be sold for less than their par value and accrued interest, and shall be signed by said county commissioners and attested by the auditor of said county, with his seal affixed thereto.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy a tax on all taxable property of said county, such tax, in addition to other taxes authorized by law, as will be necessary to provide a fund for the prompt payment of said bonds and interest thereon as the same shall become due and payable. Said tax shall be levied and collected in the same manner that taxes for general purposes are levied and collected.

SECTION 4. Before any contract for the purchase of real estate pursuant to the authority conferred upon the said board of county commissioners by this act, shall be concluded by said board of county commissioners, and become of binding force and effect in law, the question of the purchase and improvement of said real estate for the purpose aforesaid, shall be permitted to the qualified voters of said county at a general election, spring or fall, and receive the votes of the majority of the electors of said county voting on said question. The officers whose duty it is to provide for the printing of ballots at such general election, shall cause, on a written request of said board of county commissioners, to be printed on all ballots below the list of names of candidates for office, and with a blank space on the left margin in which to give each elector on opportunity to designate his choice, the following:

"For the purchase and improvement of real estate for fair grounds."

"Against the purchase and improvement of real estate for fair grounds."

Notice that said proposition is to be submitted shall be given by the sheriff by proclamation for the same length of time and in like manner as in his proclamation of general elections, required by law. The clerks of each election precinct shall write on separate ruling on the left hand

margin of the tally sheet below the names of the candidates, "For the purchase and improvement of real estate for fair grounds," "Against the purchase and improvement of real estate for fair grounds." And shall enter on the appropriate ruling the tallies of all votes cast for and against said proposition, and the aggregate number of votes for and against said proposition in each voting precinct shall be forthwith certified by the precinct election officers to the proper board of deputy supervisors of elections in like manner as the return of elections of county officers are certified, as required by law, and said board of deputy supervisors of elections shall record the aggregate number of votes for and against said proposition, and duly certify the results of the election on said proposition to said board of commissioners of said county.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 17, 1902. 152L

[House Bill No. 926.]

AN ACT

To authorize the city council of the incorporated village of Freeport, Wood county, Ohio, to increase the tax levy for waterworks purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the village of Freeport, Wood county, Ohio, be and is hereby authorized to levy a tax for the year 1902 and annually thereafter, on all the taxable property within said village, not exceeding ten mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of erecting, equipping, and running a waterworks system in said village of Freeport.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 153L

[House Bill No. 432.]

AN ACT

To provide for the narrowing of the Greenville and Union City pike and the Greenville and Fort Recovery pike, the Greenville and Beamsville pike, the Greenville and Nashville pike in Darke county, from sixty to forty feet.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the legal width of the Greenville and Union City, and the Greenville and Beamsville pike and the Greenville and Nashville pike be and is changed from sixty to forty feet.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 154L

[House Bill No. 805.]

AN ACT

To create a special school district in the township of Ohio, Clermont county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district in the township of Ohio, Clermont county, Ohio, to be known as the Mount Pisgah special school district be and the same is established in and of the following territory, to-wit:

Beginning at a corner of school district No. 5 and district No. 3 in Pearce township in Clermont county, Ohio; thence in a southerly course and with line of district No. 3 and district No. 8 and to a corner of said school district No. 3 in land of P. F. Guenther in Ohio township; thence in an easterly course following the line of district No. 3 line of district No. 4 to Monroe township line and to a corner on land of Alexander White; thence in a northerly course with line of school district No. 3 and line of district No. 5 to the Ten Mile pike; thence in a westerly course with line of Ten Mile pike and district No. 3 and line of No. 5 to place of beginning; comprising the territory of subdistrict No. 3 as it now exists.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for incidental expenses, in accordance with the enumeration of the year 1901, of school children entitled to attend school, said funds being those now collected within the township or county treasury, and shall be governed by the laws as now are, or may hereafter be in force, relating to special school districts.

SECTION 3. Within twenty days after the passage of this act written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day at least five days from the posting of said notices, and then and there, in the manner provided by law for the election of members of boards of education for special school districts, proceed to elect three members to constitute a board of education in said special school district, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday of April and until the election and qualification of their successors, and on the second Monday of each year following the first election of the board of education there shall be elected one member to serve for three years and until his successor is elected and qualified.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 155L

[House Bill No. 973.]

AN ACT

To authorize the commissioners of Perry county, Ohio, to issue bonds and levy taxes for the purpose of building a county infirmary.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Perry county, Ohio, are hereby authorized and empowered to build a county infirmary upon the grounds heretofore acquired and now used for that purpose; and they shall forthwith determine upon plans and specifications and let a contract or contracts according to law, for the construction of the same, which contract or contracts shall require the said structure to be completed as soon thereafter as practicable, at a cost not to exceed $35,000.00.

SECTION 2. That the commissioners of said county, for the purpose of building said county infirmary are hereby authorized to issue the bonds of said county for any sum not greater than $35,000.00, as they may determine, and in denominations not less than one hundred dollars nor more than one thousand dollars, and payable at such time as the commissioners may prescribe within ten years from the date of such indebtedness, said bonds to bear interest at the rate of six per cent per annum, payable semi-annually, the principal and interest of such bonds to be payable to the bearer at the county treasury, said bonds to be sold for not less than their par value and accrued interest, and in such manner as the commissioners may prescribe, public notice of which and the time and place of sale shall be given by them in such newspapers in said Perry county and elsewhere as they may designate.

SECTION 3. Said bonds so issued shall be signed by the commissioners or any two of them, and countersigned by the county auditor, with interest coupons attached. Said bonds shall specify the object for which they are issued, of which said bonds the auditor shall keep a register and record in a book to be provided by the commissioners for that purpose.

SECTION 4. For the purpose of paying the interest on such indebtedness and the principal as it matures, the commissioners shall annually, at their June session, levy a tax in addition to the taxes now authorized by law, upon all the property upon the grand duplicate of said county.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 156L

[Senate Bill No. 145.]

AN ACT

To amend sections one, two, three, five and fifteen of an act entitled "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class," passed March 23, 1898 (93 O. L., 485), and the amended section three, passed April 23, 1898 (93 O. L., 625).

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections one, two, three, and five of an act entitled "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class," passed March 23, 1898 (93 O. L., 485), and the amendment to section three thereof, passed April 23, 1898 (93 O. L., 625), be and the same are hereby amended so as to read as follows:

Sec. 1. All boards of education in city districts of the third grade of the first class shall consist of five members, all of whom shall be elected by the qualified electors for school purposes residing in such city district, and such boards shall meet on the first and third Mondays of each month during the school year and it may hold such special meetings as it may deem necessary.

Sec. 2. Not less than ten days before any school election, qualified electors of either sex at such election may present names of candidates for election on such school board to the board of elections in the county in which such district is situated having charge of such election, and whenever such candidate or candidates shall be endorsed in writing by two hundred or more of the qualified electors of either sex in said district and such endorsement shall be presented to the said board of elections not less than ten days prior to such election, the said board of elections shall publish the names of such candidates in all of the daily papers published in said district, and prepare ballots which shall contain the names of such candidates and all ballots cast at any election for members of such board in said districts shall be deposited in a separate ballot box provided by said board of elections for that purpose. Each elector may mark and vote for as many candidates on said ballots as there are members to be elected.

Sec. 3. At the first election of such board in any such district, five members of the board shall be elected. The candidate receiving the highest number of votes shall be elected to serve for five years. The candidate receiving the second highest number of votes shall be elected to serve for four years. The candidate receiving the third highest number of votes cast shall be elected to serve for three years; the candidate receiving the fourth highest number of votes cast shall be elected to serve for two years, and the candidate receiving the fifth highest number of votes cast shall be elected to serve for one year. At the regular annual election each year after the first election one member shall be elected for five years to succeed the member whose term expires with the current year. The first election in any such district shall be the regular municipal election next after any district becomes a city district of the third grade of the first class. In any such district where there now exists a board elected and organized under the provisions of the act of which this is an amendment, the members of such board shall hold their offices

until the term for which they were respectively elected expire and their successors shall be elected under the provisions hereof.

Sec. 5. The board in any such district shall organize on the third Monday of April annually. The member of the board whose term shall expire at the end of the current year shall be president of the board for such year and shall appoint all standing and other committees of said board. The board shall employ a superintendent of instruction and also a business manager for a term not to exceed two years. The business manager shall also be clerk of the board and discharge all the duties imposed by law upon such office.

Sec. 15. Except as provided in section three of this act, the members of the board of education in city districts of the third grade of the first class, in office whenever this act takes effect or becomes applicable thereto, shall continue in office until the school board is organized as herein provided, at which time their powers shall cease and determine and their offices shall thenceforth be deemed abolishd.

And said new board when organized shall have the powers and be subject so far as applicable to all the limitations of the general laws of the state on the subject of boards of education, and this amendatory act shall not, so far as legislative intent is concerned, depend upon the validity or invalidity of any other section or provision of the act to which this is amendatory.

SECTION 2. The said sections one, two, five and fifteen of said act passed March 23,1898, and said section three of said act as amended by the act passed April 23. 1898 (93 Laws, 485 and 625), be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 18, 1902. 157L

[Senate Bill No. 142.]

AN ACT

To establish a juvenile court in certain counties and to regulate the control of delinquent and neglected children.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. (Juvenile Court). In all counties containing, by the federal census of 1900, a city having a population of more than 380.000, and also containing a court of insolvency, said court of insolvency in addition to the jurisdiction now conferred upon it, shall have original jurisdiction in all cases coming under the provisions of this act. The findings of the court in all cases under this act shall be recorded in a separate book to be known as the "juvenile record," and this court may also for

convenience be called the "Juvenile court." In all trials under this act, any person interested therein may demand a jury of six, or the judge of said court may, of his own motion, order a jury of the same number to try any case pending before him.

SECTION 2. (Definitions). This act shall apply only to children under the age of sixteen (16) years, not now or hereafter, inmates of a state institution, or any industrial school for boys or industrial home for girls, or some institution incorporated under the laws of this state. For the purpose of this act the words "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper [parental] paternal care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten (10) years who is found begging, peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of sixteen (16) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act.

SECTION 3. (Petition to the court). Any reputable person being a resident in any county, having knowledge of a child in such county who appears to be either neglected, dependent or delinquent, may file with the clerk of said juvenile court a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

SECTION 4. (Summons). Upon the filing of the petition a summons shall issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than 24 hours after service. The parents of the child, if living, and their residence, if known, or its legal guardian, if one there be, or if there is neither parent nor guardian or if his or her residence is not known, then some relative, if there be one and his residence is known, or the board of county visitors as now established by law, shall be notified of the proceedings and in any case such board of county visitors or the judge may appoint some suitable person to act in behalf of the child. If the person who shall serve without pay summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the

person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities, or such other place as said court may designate.

SECTION 5. (Probation officers). The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. It shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court. All other probation officers, created by law, shall have like powers and duties in the juvenile court as those appointed thereby.

SECTION 6. (Neglected children). When any child under the age of sixteen (16) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring or obtaining homes for dependent or neglected children. (Which association shall have been accredited as hereinafter provided). The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge.

SECTION 7. (Adoption). It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for legal adoption of such child, and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

SECTION 8. (Guardianship). In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with

or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may be by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

SECTION 9. (Disposition of delinquent children). In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training industrial school for boys, or, if a girl, to an industrial home for girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to any state institution which may be established for the care of delinquent boys or girls. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

SECTION 10. (Children under twelve years not to be committed to jail). No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, or officer of the humane society, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present. Any child under twelve (12) years of age taken before any police court in said counties, charged with a misdemeanor shall at once, by said police court, be transferred to said juvenile court, and all magistrates and courts may so transfer.

SECTION 11. (May compel parents to support child). In any case in which the court shall find a child neglected, dependent or delinquent,

it may, in the same or subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees.

SECTION 12. (Supervision by board of state charities). The board of state charities shall have the supervision, and right of visitation to all institutions and associations having charge of juveniles under this act; and said juvenile court, said institutions and said associations shall make annual reports, in October of each year, to said board. The report of the juvenile court shall include the number of juveniles of each sex brought before it, the number for whom homes have been obtained, the number sent to state institutions, and the number under charge of such associations.

SECTION 13. Associations may be organized and incorporated under this act, for the purpose of aiding in its benevolent aims, having not less than five nor more than twenty-one directors, male or female, or both; and the secretary of state shall refuse a charter to any such organization unless he is satisfied that the persons so organizing are of good moral character and have the benevolent purposes of this act in view.

SECTION 14. (Religious preference). The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

SECTION 15. This act shall take effect and be in force from and after May 1st, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 18, 1902. 158L

[House Bill No. 261.]

AN ACT

To create a separate voting precinct in York township, Van Wert county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That that portion of York township, in Van Wert county, hereinafter described, be and the same is hereby created a separate and independent voting precinct in said township. Said election precinct hereby established being bounded and described as follows:

Commencing at the southeast corner of said York township; thence north on the east line of said township to the northeast corner of section twenty-five (25) in said township; thence west on the section line to the half of the section line of section twenty-seven (27) in said town-

ship; thence south on the said half section line to the south line through sections 27 and 34, of said York township; thence east to the place of beginning. Said precinct to be known and designated as Elgin election precinct, and the voting place to be in the village of Elgin, and the remaining portion of said York township, not included in Venedocia precinct, shall be known and designated as York precinct, and the voting place shall be at Jonestown.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 159L

[House Bill No. 779.]

AN ACT

To authorize the county commissioners of Sandusky county, Ohio, to issue and sell bonds to build a bridge over the Sandusky river.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Sandusky county, Ohio, be and said board is hereby authorized and empowered to issue and sell bonds, not to exceed in amount fifteen thousand dollars ($15,000) to draw interest at a rate of not to exceed five per cent. per annum, payable semi-annually, and all money derived from the sale of said bonds shall be placed in the bridge fund of said county, and be used for the construction of a bridge over the Sandusky river.

SECTION 2. The sale of, and the levying of taxes to pay said bonds shall be governed by the general statutes relating to said subjects.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 160L

[House Bill No. 864.]

AN ACT

To create a joint special school district in certain territory in Aurelius township, Washington county, Ohio, and Jefferson township, Noble county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory situated in Aurelius township, Washington county, Ohio, and Jefferson township,

Noble county, Ohio, be and the same is hereby established into and declared to be a special school district, to be known as "Elba" special school district, to-wit: Being all of section sixteen (16); that part of section seventeen (17) east of Duck creek and south of the Macksburg special school district, and also southwest of Duck creek owned by John B. Stevens, containing ten (10) acres, more or less; the northeast part of section twenty (20) owned by John B. Stevens, containing thirty-one (31) acres more or less; section twenty-one (21), except the west half of the southwest quarter of the northwest quarter; section twenty-two (22), except the southeast quarter, and the northeast quarter of the northeast quarter; that part of section twenty-seven (27), west of Duck creek; the northeast quarter and that part of the northwest quarter lying northwest of the county road, of section twenty-eight (28), the above described territory being in township five (5), range eight (8), in Aurelius township, Washington county, Ohio.

Also that part of the southwest quarter of section fifteen (15), township five (5), range eight (8), in Jefferson township, Noble county, Ohio, owned by John Denman and C. G. Dutton, and known as the Gray farm, containing sixty (60) acres, more or less.

SECTION 2. Said territory in said "Elba" special school district shall, for all school purposes, be under the control and jurisdiction of the board of directors of subdistrict number one (1), Aurelius township, Washington county, Ohio, which board of directors shall constitute the board of education of said district, until the next regular school election when there shall be elected three (3) members of the said board of education, one for one year, one for two years, and one for three years, and their successors shall be elected in accordance with the laws governing elections for members of the board of education of special school districts, and all qualified voters having legal residence in said territory in Elba special school district shall have the right to vote for members of such board of education as may be hereafter elected and such voters shall be eligible to be chosen members of such board of education.

SECTION 3. All the school property situated within said district shall belong to and be the property of said joint special school district, and said special school district shall be entitled to receive its proportionate share of the school funds and taxes levied for schoolhouse and incidental expenses in accordance with the relative valuation, which the said created special district bears to the valuation of the townships from which it is created, for the year 1901, said funds, including those now collected and those levied within the township or county treasuries, and said district shall be governed in all respects by such laws as now are or may hereafter be enforced relating to special school districts,

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 161L

[House Bill No. 675.]

AN ACT

To divide Monroe township, Henry county, Ohio, into two election precincts

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Monroe township, Henry county, Ohio, be and the same is hereby divided into two election precincts, by a line commencing at the north boundary line of said township, on the half section line of section four (4) therein, running thence south to the south line of section-nine (9); thence east one mile; thence south on the half section line of sections fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34), in said township, to the south boundary line of said township. All that portion of said township lying east of said dividing line shall be known as Malinta precinct, and all that territory in said township lying west of said division line shall be known as Elery precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 162L

[House Bill No. 543.]

AN ACT

To divide Ross township, Wood county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Ross township, Wood county, Ohio, be and the same is hereby divided into two election precincts for all election purposes, to be known and designated as East precinct and West precinct. All that portion of the township lying east of the road or highway known as the Oregon road, shall constitute the East precinct; and all that portion of said township lying west of said Oregon road, shall constitute the West precinct of said township.

SECTION 2. Ths act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 163L

[House Bill No. 702.]

AN ACT

To authorize the council of the incorporated village of Albany, Athens county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Albany, in Athens county, Ohio, is hereby authorized to transfer the funds or moneys now in the sidewalk fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 164L

[Senate Bill No. 204.]

AN ACT

To create a special school district in Paint township, Holmes county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is created a special school district in Paint township, Holmes county, Ohio, to be known as the Winesburg special school district, which special school district shall embrace the following territory:

Beginning at the southeast corner of lot No. 15, in said Paint township, Holmes county, Ohio; thence west on the south lines of lots Nos. 15, 18, 31, 34 and 2, to the southwest corner of said lot No. 2; thence north along the west lines of lots Nos. 2, 3, 4, 5, 6, 7 and 8, to the Indian boundary line; thence northeast along said Indian boundary line to the Tuscarawas county line; thence south on the line between Holmes and Tuscarawas counties to the place of beginning; also added thereto, on the west line of the above described tract are lots Nos. 11 and 12, and so much of lots Nos. 10 and 13 as are owned by Eli Wengerd and Michael Immel; also so much of fractional section No. 3 as is owned by Aaron Bair and lying north of the Indian boundary line.

SECTION 2. The board of education of said Winesburg special school district, shall be composed of six members and the present member of said board of education shall continue in office until the time for which they have been elected shall have expired.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 165L

[Senate Bill No. 224.]

AN ACT

To provide for the election of members of the board of education in certain cities of the second class, fourth grade.

[NEW PHILADELPHIA.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second class, fourth grade in the state of Ohio, which contained at the last federal census, a population of not less than 6,210, nor more than 6,225, and which have been divided into wards, the board of education shall consist of two members in each ward, to be elected exclusively by the qualified electors residing within said ward and territory contiguous thereto, that would fall within the boundary lines of such ward, if extended to the limits of the school district.

SECTION 2. Members of said board of education shall be elected on the first Monday of April of each year after the passage of this act, and shall hold their respective offices for a term of three years, provided that at the first election under this act, in wards where no member of said board of education resides, one member shall be elected for the term of three years, and one member for the term of two years, and provided further, that nothing in this act shall be construed to abridge the term of office of any member of said board of education now in office.

SECTION 3. All acts or parts of acts in so far as they are in conflict with this act shall be superseded by the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 166L

[House Bill No. 411.]

AN ACT

To provide for a special school district in the county of Henry and state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory, to-wit: The southwest quarter of the southwest quarter of section one (1); all of section two (2); all of section three (3); all of section ten (10); all of section eleven (11); the west three-quarters of section twelve (12); the north half of section fourteen (14); and the north half of the southwest quarter of said section fourteen (14); the north three-quarters of section fifteen (15); all in Monroe township, Henry county, Ohio, be erected and constituted a special school district, and that the above described territory is hereby set apart as such special school district, under the name and designation of Malinta special school district.

SECTION 2. That all school property, including buildings and furniture now located on the territory described in section 1 of this act shall be a part of and belong to said special school district, subject to, and under the control of the board of education of said special school district.

SECTION 3. That on the first Monday of May, 1902, the qualified electors residing in and upon the territory designated in section 1 of this act are hereby authorized to assemble at the schoolhouse now located upon said special school district, in Malinta, Ohio, and elect by ballot, according to law, three members for a board of education for said special school district, and of the three members so elected, the one for whom the greatest number of ballots shall have been cast, shall serve for three years, the one for whom the next highest number of ballots shall have been cast shall serve for two years, and the other one of the three for whom the least number of ballots shall have been cast shall serve for one year; provided, that annually thereafter, the election shall be held as provided by law.

SECTION 4. The said members of the board of education so chosen, shall be invested with power to employ school-teachers, erect schoolhouses, and maintain a common school in said special school district, and to levy taxes for the same and for the maintenance of the same, under the provisions of the school laws of this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 167L

[House Bill No. 766.]

AN ACT

To authorize the council of the city of Elyria, Ohio, to transfer funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Elyria, Lorain county, Ohio, be and the same is hereby authorized and empowered to transfer one thousand ($1,000.00) dollars from the firemen's pension fund to the general fund of said city; six hundred and fifty-one ($651.00) dollars from the firemen's pension fund to the fire and water fund of said city; one thousand four hundred and sixty-five dollars and twenty-six cents ($1,465.26) from unused street improvement funds to the interest and sinking fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 168L

[House Bill No. 674.]

AN ACT

To authorize the trustees of Ridgeville township, Henry county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Ridgeville township, Henry county, state of Ohio, be and are hereby authorized to transfer four hundred and forty-seven dollars and seventy-one cents ($447.71) from the gravel road fund of said township to the common road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 169L

[House Bill No. 487.]

AN ACT

To authorize the council of any incorporated village in any county containing a city of the third grade of the first class, to issue bonds for the purpose of erecting and furnishing a waterworks plant.

[LUCAS COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any incorporated village in any county containing a city of the third grade of the first class, is hereby authorized to issue bonds not exceeding in amount the sum of five thousand dollars ($5,000.00), for the purpose of erecting and furnishing a waterworks plant.

SECTION 2. Said bonds shall be signed by the mayor of such village, and countersigned and registered by the clerk thereof, and may be issued in denominations of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), bearing interest at a rate not to exceed six per cent. per annum, payable annually, the principal to be paid at such times within ten years from the issue thereof as said council may determine, and said bonds shall not be sold for less than par and accrued interest.

SECTION 3. For the payment of the principal and interest of said bonds as the same may become due, the council of any such village is hereby authorized and required to levy a tax on all the taxable property within the corporate limits of such village, in such amounts as will each year be required to pay the principal and interest then falling due on said bonds, which levy shall be placed on the tax duplicate by the auditor of such county and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 170L

[Senate Bill No. 284.]

AN ACT

To create a joint subschool district in Thorn and Hopewell townships, in Perry county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Thorn and Hopewell townships, Perry county, Ohio, shall be and constitute a joint subschool district, and fully described as follows: Beginning at the northwest corner of a farm owned by Edward Shrider; thence east by southeast to a point in public road, lying north of land owned by Israel Troup; thence south by southeast to a point in public road leading from Glenford to Ziontown; thence south by southwest to the southwest corner of a fifty acre tract of land owned by Noah Helser; thence bearing generally west to the southwest corner of Benjamin Fisher's fifty-four acre tract of land; thence bearing north by northwest to the northwest corner of David Helser's fourteen acre tract of land; thence east by northeast to the southwest corner of Peter Starkey's twelve acre tract of land; thence north to place of beginning.

SECTION 2. Said joint subschool district shall be entitled to receive its proportionate share of the school funds and the funds levied for incidental and contingent expense in accordance with the enumeration of school youth and the levies for the year 1901, and for the years thereafter, the same being the funds now collected within the county and township treasuries and which may hereafter be collected from all sources, for school purposes, and said joint subschool district and the boards of education of said townships of Thorn and Hopewell in reference thereto, shall be governed in all respects by such laws as are now or may hereafter be in force relating to joint subschool districts of the state of Ohio, and shall erect a schoolhouse, make levies, employ teachers, etc., in accordance therewith.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 171L

[House Bill No. 604.]

AN ACT

To provide for the extension of term in which annual city boards of equalization in cities of the second grade of the second class shall complete their work the year 1902.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in each city of the second grade of the second class, the annual city board of equalization shall in the year 1902 begin its session on the first Monday of May and shall close its session on the first Monday of October of said year, and said board shall be subject to and be governed by all the laws governing annual city boards of equalization in said cities not inconsistent with this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 172L

[House Bill No. 535.]

AN ACT

To transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the common council of the incorporated village of Sylvania, Lucas county, Ohio, be and the same is hereby authorized to transfer the sum of four hundred dollars from the general fund to the street and bridge fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 173L

[House Bill No. 682.]

AN ACT

To authorize the county commissioners of Marion county, Ohio, to levy an additional tax for the Dutton free turnpike road.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Marion county, Ohio, be and are hereby authorized to levy an additional tax within the Dut-

ton free turnpike road district not to exceed two mills on the dollar of all taxable property for a period of seven years, a sufficient amount to meet the bonds given for the construction of said Dutton free turnpike road together with the interest as the same shall become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 174L

[Senate Bill No. 199.]

AN ACT

To amend section 1 of the act of May 14, 1894 (91 v. 741), relating to the soldiers' and sailors' monument in Cuyahoga county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of the act of May 14, 1894 (91 v. 741), relating to the soldiers' and sailors' monument in Cuyahoga county, be so amended as to read as follows:

Sec. 1. Upon the completion and dedication of the Cuyahoga county soldiers' and sailors' monument, the board of monumental commissioners shall elect and appoint a board of five commissioners, to be known and designated as "the Cuyahoga county soldiers' and sailors' monument commissioners." Such board shall be union ex-soldiers or sailors of the war of the rebellion, or a member or descendant of members of either of the army organization known as the Grand Army of the Republic, Union Veterans' Union, or a member of the first class in good standing of the military order of the Loyal Legion of the United States, and residents of Cuyahoga county, and shall meet and organize within ten days after their appointment, by the election from their members of a president and secretary. Such board shall be perpetual, and the members thereof shall have power, and be required within ten days after occurrence to fill vacancies by selecting and appointing a union ex-soldier or sailor of the war of the rebellion, or a descendant of same, residing in Cuyahoga county. The members of such board, and their successors shall take an oath to faithfully perform their duties in caring for the monument, and the grounds surrounding it. Such board shall be empowered to make such rules and regulations for their government, and for the care of the monument and grounds surrounding the same as in their judgment is required, and shall have the power to expend not to exceed the sum of one thousand dollars per year for supervision and for clerical and historical work. They shall also have the power to employ a suitable union ex-soldier or sailor of the war of the rebellion, or of the regular army of the United States, or descendant of either, as attendant and custodian of such monument and grounds, at a reasonable compensation, all of which expenditures are to be paid from the general fund of the county, upon a voucher of the president and secretary of

the monument commissioners. Such attendant and custodian shall be invested with the ordinary powers and authority of a policeman.

SECTION 2. That section 1 of the act of May 14, 1894 (91 v. 741) relating to the soldiers' and sailors' monument in Cuyahoga county is hereby repealed.

SECTION 3. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 175L

[House Bill No. 975.]

AN ACT

To authorize the trustees of Goshen township, Belmont county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Goshen township, in the county of Belmont, and the state of Ohio, be and are hereby authorized to transfer the sum of twenty-one hundred and sixty-eight dollars, the proceeds of the sale of the Central Ohio railroad stock formerly belonging to said township, as follows: Five hundred and sixty-eight dollars to the township fund of said township, and sixteen hundred dollars to the road fund of said township for the improvement of public roads therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 176L

[House Bill No. 681.]

AN ACT

To authorize the council of New Bloomington, Marion county, Ohio, to issue bonds to erect a town hall.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of New Bloomington, Marion county, Ohio, be, and it is hereby authorized to issue bonds not to exceed twelve hundred ($1200) dollars, payable in not to exceed six years, with interest not to exceed five per cent. per annum, payable semi-annually, and sell said bonds and to apply the proceeds thereof toward the

erection of a town hall to be erected by the village of New Bloomington, Marion county, Ohio, and said council is hereby authorized to levy a tax not to exceed four mills on the dollar valuation to meet the principal and interest of said bonds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate

Passed April 23, 1902. 177L

[House Bill No. 456.]

AN ACT

To provide for the refunding of the bonded indebtedness of boards of education in city districts of the first grade of the first class.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the first grade of the first class shall have power to make and issue bonds for the purpose of refunding at a lower rate of interest any portion of the bonded debt which is redeemable at the option of said board of education.

Such bonds shall be known as board of education, city district of _____ refunding bonds (fill in the blank with the name of the city district issuing the bonds), and shall be due 20 years and redeemable 10 years from the date of said bonds. The bonds shall be signed by the president and attested by the clerk of the board of education issuing said bonds.

SECTION 2. The bonds authorized by section 1 shall never, for any city district, aggregate in outstanding amount more than what may at any time be unpaid of the bonded debt of such city district, and the power conferred by section 1 is a continuing power and includes refunding of the bonded debt now existing and hereafter lawfully created by said city districts.

SECTION 3. For the purpose of paying the interest on the bonds authorized by section 1 and to provide a sinking fund for their gradual extinguishment, the board of education of such city districts shall set aside annually from its revenue a sum sufficient to pay the interest on bonds issued and to create a sinking fund sufficient to pay said bonds at maturity, and it shall be the duty of said boards of education to turn over to the trustees of the sinking fund of boards of education in city districts of the first grade of the first class the amount above provided to be used for the payment of interest on said bonds and to provide a sinking fund for their final redemption.

The said trustees of the sinking fund shall have power to invest said sinking fund so turned over to them, in the same manner as the trustees of sinking funds of cities of the first grade of the first class are authorized by law to invest the funds of such cities, and they are further authorized to invest said sinking fund in bonds issued by the board of educa-

tion in city districts of the first grade of the first class; but nothing herein shall be construed to excuse said boards of education from paying to said trustees of the sinking fund any interest and sinking fund provided by law.

SECTION 4. The said boards of education are hereby empowered to accept, from the successful bidder, the maturing bonds at par, in partial payment for the issue provided for in section 1, and said maturing bonds shall be turned over to the said trustees of the sinking fund together with all money received in payment for bonds issued

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 178L

[House Bill No. 49.]

AN ACT

To authorize the board of education of the village school district of Fayette, Fulton county, Ohio, to levy an additional tax to carry on the schools therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the village school district of the village of Fayette, Fulton county, Ohio, be and the same is hereby authorized to levy a tax for the year 1902, 1903, 1904, 1905 and 1906 on all the taxable property within said school district, not exceeding eight (8) mills on the dollar for each year in addition to the seven (7) mills now authorized by law, the same to be collected the same as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 179L

[House Bill No. 683.]

AN ACT

To authorize the county commissioners of Marion county, Ohio, to levy an additional tax for the Caledonia and Mud pike free turnpike road.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Marion county, Ohio be and are hereby authorized to levy an additional tax within the Caledonia and Mud Pike free turnpike road district not to exceed two mills

on the dollar on all taxable property for a period of seven years, a sufficient amount to meet the bonds given for the construction of said Caledonia and Mud pike free turnpike road together with the interest as the same shall become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 180L

[Senate Bill No. 146.]

AN ACT

To establish a special school district at Shepard, Franklin county, Ohio, to be composed of a part of Mifflin township, Franklin county, Ohio, and a part of Marion township, Franklin county, Ohio, and to provide more satisfactory facilities for the education of pupils in said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district to be known as the Shepard special school district, to-wit: To be formed of what now constitutes the Marion and Mifflin township joint subdistrict, located in Franklin county and bounded and described as follows:

Beginning in Mifflin township at a point in the center of Alum creek where the same is intersected by the Columbus and Johnstown turnpike; thence southerly along the center line of said creek to the north line of the city of Columbus; thence westwardly along said north line of said city to a point where said north line intersects the east line of said city; thence northwardly along said east line of said city to the north line of said city; thence westwardly along the line of said city to a point in the center of the right of way of the Norfolk & Western R. R. Co., thence northwardly along said center of said right of way to its intersection with the center of Leonard avenue; thence northeastwardly along the center of Leonard avenue to its intersection with the Columbus and Johnstown turnpike; thence eastwardly along the center line of said turnpike to the place of beginning.

SECTION 2. Within twenty days after the passage of this act written or printed notice shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, repuesting the qualified electors thereof to assembly on a day, at least five days from the day of posting at an hour and place designated in said notices. And then and there in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect three members to constitute a board of education, one to serve until the third Monday of April next succeeding his election; one to serve for one year, and one to serve for two years from said Monday of April, and until the election and qualification of

their successors. And on the second Monday of April each year following the first election of the board of education, there shall be elected one member to serve for three years and until his or her successor is elected and qualified.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school district, and said special school district shall be entitled to, and shall receive its proportionate share of the tuition funds, and the funds levied for school-house and contingent expenses now in the hands of the county or township treasuries, or now levied and not yet collected, said proportionate share shall be based upon the enumeration of children of school age for the year 1902.

SECTION 4. The board of education of said special school district shall prescribe the course of study which may include a high school course, and may, when in its opinion is will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund of said special district.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 181L

[House Bill No. 446.]

AN ACT

To authorize the trustees of Wellington township, Lorain county, Ohio, to levy a tax to purchase additional grounds for a public park and for agricultural exhibitions and fairs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the township of Wellington, in the county of Lorain, state of Ohio, are hereby authorized to purchase grounds within said township of Wellington, adjoining grounds now owned by said township for a public park, and for the purpose of raising the necessary amount of money therefor, be, and are hereby authorized to levy a tax upon the taxable property of said township not to exceed the sum of twenty-six hundred and fifty dollars; said grounds so purchased shall be set apart and dedicated to the use of the citizens of said township for a public park, reserving to the trustees of said township the right to lease or let said grounds to any agricultural society or societies, stock or wool growers' associations, for the purpose of holding fairs and exhibitions of said society or associations thereon, the tax to be levied in the year one thousand nine hundred and two, and thereafter

by such annual installments as the said trustees shall deem just and equitable. Provided, however, that said trustees shall first submit the proposition to purchase such grounds to the qualified voters of said township at a general or special election, after giving at least ten days' notice thereof by posting in not less than five public places in said township written or printed notices. Those voting at said election in favor of such purchase shall have written or printed on their ballots, "Purchase of park grounds, Yes"; and those voting at said election against such purchase shall have written or printed on their ballots,"Purchase of park grounds, No." If a majority of the votes so cast at said election shall be in favor of said purchase, said trustees shall proceed to levy such tax and to purchase said grounds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 182L

[House Bill No. 612.]

AN ACT

For the relief of Peter Ryan.

WHEREAS, In the year 1892, Peter Ryan was the contractor with the county commissioners of Franklin county, to furnish all the necessary materials and do all the work and labor necessary to build and complete the masonry upon a county bridge, known as the Stelzer road bridge, across Alum creek in said county, at certain specified rates for the various branches of the work; and,

WHEREAS, After said Peter Ryan had entered upon the performance of his contract it was discovered by the county engineer in charge of the work that the character of the earth and soil was such as to require an excavation to a greater depth than had been contemplated in the plans and specifications for said bridge; and,

WHEREAS, Said Peter Ryan Ryan was ordered and directed by said county engineer and county commissioners to proceed with said excavation in order to find a firm and proper foundation for said masonry; and,

WHEREAS, Said Peter Ryan did proceed with said excavation, in pursuance of said orders and directions, whereby, in so doing, excavation, concrete and stone masonry, were done and placed in and upon said work in excess of the original estimate therefor aggregating in amount the sum of $1,308.22; and,

WHEREAS, The said Peter Ryan, in obeying said orders and directions and in performing said work and furnishing said materials, was ignorant of the fact that said estimate was being exceeded; and,

WHEREAS, The said county commissioners, with the approval of the county engineer, unanimously allowed said contractor for said extra

work, in two vouchers, one for $500 and the other for $808.22, the first of which was paid by said county; and,

WHEREAS, The county auditor of said county refused to issue a warrant upon the county treasurer for the amount of the second voucher which had been so ordered and allowed on December 5, 1893, upon the ground that the steps required by statute in such cases, when the amount involved exceeded $1,000, had not been taken by the county commissioners; and,

WHEREAS, In an action by said Peter Ryan to compel said county auditor to issue said warrant, the court of common pleas of said county sustained said auditor in his said refusal, upon said ground; and,

WHEREAS, Said county of Franklin has received the benefit of said extra work and the expenditure so made by said Peter Ryan and should, in equity, pay for the same; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Franklin county be, and it is hereby authorized and required to allow and order to be paid to Peter Ryan the sum of $808.22 payable out of any funds to the credit of the bridge fund of said county, not otherwise appropriated, for extra work done and performed and materials furnished by him as contractor for the masonry of the Stelzer road bridge across Alum creek in said county. It shall be the duty of the auditor of said county, upon the allowance and order herein provided for by the board of county commissioners to issue his warrant upon the county treasurer for the sum so allowed, in favor of Peter Ryan; and the county treasurer shall pay the same out of the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 183L

[House Bill No. 853.]

AN ACT

To provide for certain contracts in regard to bridges between cities of the second grade of the second class and street railroad companies.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That if there be in any city of the second grade of the second class, either now or hereafter, any street railroad company or companies now or hereafter operating cars across any bridge or bridges which may be in such city of the second grade of the second class the board of city affairs thereof may fix the portion of the cost of any such bridge which such company should justly and equitably pay to such city, and the city and company may contract for the payment to such city by such company of such portion, either in cash or in installments, and

the same shall be paid into the treasury of the city. If any such company shall neglect to contract as aforesaid, but shall either begin or continue to operate cars across any such bridge after the portion it should pay has been fixed as aforesaid, such company shall be deemed to have assented that the portion so fixed is just and equitable and that it should pay same to such city, and such portion shall be due from such company to such city in one month from the time such portion has been so fixed, or from the time such company begins operating cars across any such bridge, if it is not so operating its cars when such portion is fixed as aforesaid, and if same is not paid within six months from the time it is due as aforesaid, such city may collect such portion by suit together with ten per cent. penalty and interest thereon.

All money paid into the city treasury under this act shall be used to pay bonds issued for bridge purposes, if any there be, and if there are no such bonds, or if any residue remain after paying any such bonds, such money or the residue may be used for bridge purposes.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 184L

[House Bill No. 723.]

AN ACT

For the relief of George D. Flugan as surety upon the bond of Matthew J. Child, as treasurer of the township of Center, county of Columbiana, and state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Center township, Columbiana county, Ohio, be and they hereby are authorized to accept from George D. Flugan, surety on the bond of Mathew J. Child, late treasurer of the township of Center, Columbiana county, Ohio, the sum of $200.00 in full settlement and compromise of his liability upon said bond and judgment, and upon the payment of said sum by him to said trustees, said trustees are authorized to execute and deliver to said Flugan a receipt in full for all claims of said township against said Flugan on account of said bond and judgment, and the said George D. Flugan upon the payment of said $200.00 to said trustees as aforesaid shall be, and he hereby is, relieved from any and all further liability upon said bond and judgment.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 185L

[House Bill No. 464.]

AN ACT

To authorize the county commissioners of Ross county, Ohio, to levy a tax for the purpose of constructing, extending or finishing free turnpikes, and to repair free turnpikes already constructed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Ross county, Ohio, are hereby authorized, when in their judgment the public interests demand it, to cause to be constructed or finished free turnpikes, and to repair free turnpikes already constructed, on or near any state or county road in said county, of such width as in their judgment may seem best, and if the commissioners decide that the public will be benefited by changing the course of any state or county road, they shall proceed to make such change in the manner now prescribed by law for locating and changing state and county roads, unless by an agreement of the land owners through whose land the road may pass, and without compensation for land used, and also except where the estimate of the engineer shows that the road can be constructed for less money on a new line, and then the cost of construction and compensation paid must not exceed the estimate of cost for construction on the old road, but in all other respects in the construction of said roads, they shall proceed in accordance with sections 4770, 4771, 4772 and 4773 of the Revised Statutes of Ohio; provided, that not more than two thousand dollars shall be expended in any township for the above purpose, and when the same is not sufficient to complete such turnpike road or roads, the commissioners may receive contributions from those interested sufficient to finish the same.

SECTION 2. Before said commissioners shall proceed to let contracts for the construction or finishing, or the repairing of free turnpikes already constructed in said county, they are hereby authorized, in addition to what they are now by law allowed, to levy an additional tax on all the taxable property of the county, not exceeding the sum of ten thousand dollars in any one year, for the above purpose, nor shall they let contracts to exceed the amount of the tax levied annually, and the whole amount levied under the provisions of this act shall not in the aggregate exceed the sum of twenty thousand dollars. This act shall be construed to be additional provisions and independent of the act of April 16, 1900 (94 O. L., 696).

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER.
President pro tem. of the Senate.

Passed April 25, 1902. 186L

[House Bill No. 711.]

AN ACT

To supplement section two of an act passed February 10th, 1892, (O. L., Vol. 89, pp. 475, 476) entitled, "An act to amend an act passed March 24, 1884, entitled, 'An act to authorize the commissioners of Ottawa county, Ohio, to better carry out the provisions of the laws regulating the construction and repair of ditches, drains and watercourses,'" by supplemental section 2*a*.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 of an act passed February 10th, 1892, (O. L., Vol. 89, pp. 475, 476), entitled "An act to amend an act passed March 24, 1884, entitled 'An act to authorize the commissioners of Ottawa county, Ohio, to better carry out the provisions of the laws regulating the construction and repair of ditches, drains and watercourses,'" be supplemented by supplemental section *2a* to read as follows:

Sec. *2a*. No levy shall be made, nor shall any of the funds of the county be used or appropriated, for the operation, repair or maintenance of such steam dredge, but the estimates and charges for the use of such steam dredge shall, in all cases, be an amount sufficient to cover all such expenses and all such estimates and charges shall be collected and paid into a fund, in the county treasury, which shall be known as "the dredge fund," and the expense of operating, repairing and maintaining such dredge shall be paid out of such fund, by order of the county commissioners upon the warrant of the county auditor, and it shall be unlawful for the county commissioners to direct the payment of any claim on account of the operation, repair or maintenance of such dredge, out of any fund of the county, other than such dredge fund, and the county auditor is hereby prohibited from issuing his warrant against any fund, for any such expenses, except such dredge fund, which shall be wholly created and provided by the earnings and receipts of such dredge and if the county commissioners shall, at any time, deem it impracticable to maintain such steam dredge, they may, after the same shall have been appraised by three freeholders of the county, to be appointed by the probate judge of the county, sell the same at public or private sale, for not less than three-fourths of the appraised value, and the proceeds of sale shall be placed into the county fund, and provided further, that whenever one thousand taxpayers who are legal voters of the county shall petition the county commissioners to submit the proposition of selling such dredge to a vote, the county commissioners shall submit such proposition to a vote at the first general election occurring more than thirty days after the filing of such petition, and the deputy state supervisors shall provide for such election. The ballots shall have printed thereon, "For sale of dredge—yes;" "For sale of dredge—no," and if a majority of those voting at such election, vote for the sale of such dredge, then the county commissioners shall proceed to sell such dredge in the manner herein provided, but if a majority shall vote against the sale of such dredge, then such proposition shall not be submitted again within three years thereafter. The county commissioners shall give notice of the submission of such proposition to a vote for three consecutive weeks, immediately preceding the election, in at least two newspapers published in the county of opposite politics. The fees of the appraisers and the expense of such election shall be paid out of the county treasury.

SECTION 2. This act shall be in force and take effect from and after the first day of September, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 187L

[H. B. No. 646.]

AN ACT

Relating to the duties and compensation and liabilities of certain officers hereafter elected in Lucas county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Lucas county, Ohio, the compensation of the county treasurer, county auditor, probate judge, prosecuting attorney, clerk of the court of common pleas, sheriff, and county recorder, of said county, hereafter elected, for their services, shall be by salary, and subject to the conditions herein provided; such compensation shall be paid to such county officials in equal monthly installments, and, except as hereinafter provided, they shall receive no other compensation whatever for the performance of official duties, viz: The annual salary of the county treasurer shall be four thousand dollars ($4000.00), and he shall receive in addition thereto seven (7%) per centum of all personal delinquent taxes collected by him, the annual salary of the county auditor shall be four thousand five hundred dollars ($4,500.00), and he shall receive in addition thereto four (4%) per centum of the taxes collected and paid into the treasury on property omitted and placed by him on the tax duplicate in accordance with the provisions of section 1071 of the Revised Statutes. The annual salary of the probate judge shall be three thousand five hundred dollars (3,500.00). The annual salary of the prosecuting attorney shall be three thousand dollars (3,000.00), and he shall receive in addition thereto four (4%) per centum of all delinquent taxes on real estate paid into the county treasury after the first day of August next following the time when such taxes shall become delinquent, and four (4%) per centum of all taxes collected by suits at law or in equity. The annual salary of the clerk of the court of common pleas shall be three thousand dollars ($3,000.00), the annual salary of the sheriff shall be three thousand dollars ($3,000.00), [and] the annual salary of the county recorder shall be four thousand dollars ($4,000.00.)

SECTION 2. Neither the county treasurer, county auditor, probate judge, clerk of common pleas court, sheriff or county recorder shall receive or agree to receive, directly or indirectly, any additional compensation for such service whatsoever, nor a reward of any kind from an employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor from any other person, except as provided in this act. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use, or

for the use of such officer for the performance, or non-performance, of any official duty. The compensation of the deputies, assistants, and other clerks and employes of such officers except persons employed temporarily, as provided in section 3 hereof, shall be by annual salary exclusively, to be paid monthly by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such assistant, deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of the notice of his removal or dismissal.

SECTION 3. Each of said officers shall select and name the persons to be employed in his office as permanent deputies, assistants, clerks or employes and shall designate the position or capacity in which they each shall serve, respectively, and shall have the sole power of dismissal, but no more persons shall be selected and named by such officers and compensation provided therefor, than are absolutely necessary to properly perform in connection with said officer, the work required in any such office, having in view the economical administration of said respective offices. Provided, that employment of deputies, assistants, clerks or employes, temporarily, in addition to the regular employes may be authorized by the county commissioners when satisfied that the business of any such office necessarily requires such temporary additional help. But no appointment of any such temporary deputy, assistant, clerk or employe shall be made, except upon the written authorization of said board of county commissioners, which authorization shall be filed in the office of the county auditor and which shall state the number of said extra deputies, assistants, clerks or employes, and the character and extent of the duties and services which each of said deputies, assistants, clerks and employes are respectively selected to perform. The compensation of all deputies, assistants, clerks or employes in the respective offices, shall be determined by the head officer thereof named in section 1 of this act, who, upon taking possession of said office, shall forthwith file with the county auditor a complete list of all such deputies, assistants, clerks or employes, showing the name, and salary each is to receive. And said officer shall fix such compensation, at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view, in fixing said compensation, the economical and efficient administration of any such office and shall fix such compensation at such amount as shall be consistent therewith; but said officer shall not fix the compensation of any such deputy, assistant, clerk or employe temporarily employed, at a sum not more than $3.00 per day for each day of actual service, the same to be paid out of the general county fund. The total compensation of all persons permanently employed in any such office as deputies, assistants, clerks or employes shall not exceed the following sums: For permanent deputies, assistants, clerks, or employes in the county treasurer's office, not more than $10,500 per annum; for permanent deputies, assistants, clerks or employes in the county auditor's office, the county commissioners shall not allow over $10,000; for permanent deputies, assistants, clerks and employes in the office of the clerk of the court of common pleas, not more than $10,000 per annum; for permanent deputies, assistants, clerks or employes in the sheriff's office, not more than $7,300 per annum; for permanent deputies, assistants, clerks and employes in the probate judge's office, not more than $6,000 per annum; for permanent deputies, clerks, and employes in the county recorder's office, not more than $4,800 per annum; for permanent assistants, clerks and employes in the prosecuting attorney's

office, not more than $4,500 per annum; for permanent assistants, clerks and employes in the coroner's office, not more than $600 per annum; for permanent assistants, clerks and employes in the infirmary director's office, not more than $300 per annum.

SECTION 4. Each officer mentioned in section 1 hereof shall on the first business day of each month, submit to the county commissioners a pay roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay roll and the capacity in which he was employed, and also the salaries of the officers and compensation of the employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay roll a statement by such officer in person, under oath, that the pay roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due to any deputy, assistant, clerk or employe whose name is entered thereon. If the commissioners find, upon examination, that such pay roll is correct they shall endorse thereon their approval of the same and file the same with the county auditor, who shall thereupon draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe a warrant for his salary or compensation, and take their receipt therefor, on the pay roll, on the right hand margin opposite their respective names, in a space headed "Received from the county auditor a warrant for the amount shown thereon to be due me."

SECTION 5. All fees, costs, percentages, penalties, allowances, perquisites and other official income which are now, or may hereafter be allowed by law to the county treasurer, county auditor, probate judge, prosecuting attorney, clerk of the court of common pleas, sheriff, and county recorder for the performance of any official duties, or by the sheriff as master commissioner, or receiver, in any case, shall, when collected, be for the sole use and benefit of the county treasury of said county, as public moneys, belonging to it, and shall be accounted for and paid over as such in the manner herein provided, and the total receipts thereof during each day, by each of said officers, unless otherwise specified herein, shall be paid to the county treasurer before twelve o'clock noon on the day following the receipt of same and shall be accounted for by the treasurer; and placed to the credit of the county general fund, and such officers shall keep full and accurate accounts in books provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other official incomes, that accrue to his office, and from whom the amounts paid to him each day, and said books of accounts shall be part of the records of their respective offices and shall belong to the county and shall be transmitted to their respective successors in office.

SECTION 6. Each officer mentioned in this act, shall, on the first business day of each month file with the county auditor a statement verified by his affidavit, showing the full receipts daily by him for the preceding month and the total for the month from each of the sources specified in this act, and the clerk of the court of common pleas, probate judge and sheriff, shall be allowed a commission of 15 per cent. of the fees, penalties, costs, etc., allowed such officers by law so collected each month, as shown on said report, for which the auditor shall draw his warrant on

the county treasurer in favor of such officer. Each officer mentioned in this act shall file with the county auditor also an annual statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances, perquisites, and other official incomes accrued to his office and not paid to him during the preceding year, and the name of each party liable, and the amount due from each, with reference to the docket, page and number, where the case can be found. And on the day his term of office expires, he shall file with the auditor a like statement showing such daily receipts, since his last statement, and the total amount due and unpaid during his term of office but such officer shall not be required to itemize his annual statement further than specified in this act, but shall give a summary statement, of the said amounts due and unpaid. Such county treasurer, auditor, probate judge, clerk of the court of common pleas, sheriff, and recorder, shall on the first business day of each month, take from the county treasurer a receipt for the sum total paid over to the county treasurer during the preceding month, as shown by said report, which receipts shall be filed in the county auditor's office, and the auditor shall give to the officer an acknowledgment for the amount paid by such officer.

SECTION 7. All statements, reports and books required by this act shall be carefully preserved, shall be subject to public inspection during all business hours, shall remain in the respective offices wherein required to be filed, and at the expiration of the term of any such officer shall be turned over to his successor in office.

SECTION 8. Each of the said officers, deputies, assistants, clerks and employes mentioned in this act, shall draw their salaries monthly in the manner herein provided. All salaries and compensation herein contemplated shall be paid out of the county general fund as herein provided, upon the approved pay rolls heretofore provided for, but in no case shall any salary or compensation be ordered paid until the services for which payment is sought shall have been rendered.

SECTION 9. The officers heretofore mentioned shall be reimbursed out of the county treasury, for actual expenses incurred while out of the county on official business upon the presentation of a claim thereafter made under oath for such actual expenses, and the sheriff shall also be paid out of the county treasury, as is now provided by law for caring for and feeding prisoners confined in the county jail.

SECTION 10. Such county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff and recorder and each deputy, assistant, clerk, or employe, permanently employed, shall devote their entire time to the duties of their respective offices or positions. Each officer mentioned in section 1, to whom may accrue any fees, costs, percentages, penalties, perquisites or official incomes, shall exercise due diligence in the collection of such fees, costs, percentages, penalties, allowances and other perquisites, accruing to his office, and one deputy in the clerk's office shall be designated as "credit clerk," whose duty shall be to collect costs, and the treasurer shall not be required to report to the county commissioners in his statement by this act, the percentages allowed him by law on taxes collected—except in such statements next following his semi-annual settlement with the auditor.

SECTION 11. It shall be the duty of the county commissioners and prosecuting attorney to see that the provisions of this act are faithfully complied with, and the county commissioners and prosecuting at-

torney may employ an expert accountant, whenever and for such time as they may deem necessary, and pay such compensation as they may deem judicious, not to exceed five dollars per day, to ascertain, by examination, whether the books and accounts of the officers mentioned in section 1, are legally and correctly kept, and whether the statements they are required by this act to make the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appears by any such report, or by an inspection of such statements or books, by said county commissioners or prosecuting attorney, that any such books or accounts or any such statements are false and fraudulent in any respect, the county commissioners shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpœna witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. If the said statements, books and accounts are found to be correct and legal the cost of the investigation shall be paid from the general expense fund of the county upon a warrant drawn by the county auditor, when duly certified to him by the county commissioners, but if such statements, books, or accounts are found to be false and fraudulent, then the cost of such investigation shall be taxed against said officer so making such false and fraudulent statement, book or account, and retained out of such officer's salary.

SECTION 12. Nothing in this act shall be construed to vest in any officer mentioned in section one, any such fees, costs, percentages, penalties, allowances or other perquisites as are earned and unpaid at the end of their respective official terms, except as provided herein, the same shall be the property of the county, to be collected by their successors in office and applied as provided in this act, and no officer shall remit any legal costs, fees or penalties; and such fees, costs, percentages, penalties, allowances, and other perquisites may be collected by an action at law, brought in the name of the county. The fees, costs, percentages, allowances and other perquisites that accrue to said officer prior to the taking effect of this act shall not be affected hereby.

SECTION 13. All accounts of fees, costs, percentages, penalties, allowances, and other perquisites due to any officer named in section 1 of this act, and all fines and forfeitures in criminal cases which remain unpaid for a period of one year after they are due, shall, by said officer, be turned over to the prosecuting attorney of such county for collection, who shall on the first Monday in each month pay over to the officer for whom the collection is made, all moneys which have come into his hands as such officer; such officer shall give the prosecuting attorney a receipt for the amount so paid over, and enter a statement of such payment on the books of his office; an execution shall issue upon the precipe of such officer or prosecuting attorney or the party to the suit to enforce the payment of such accounts. For such services said prosecuting attorney shall receive 10 per cent. on all amounts so by him collected, but he shall not be called upon to make such collection until such officer has made diligent effort to collect such fees and costs and failed.

SECTION 14. If any officer mentioned in section 1 wilfully fail or refuse to faithfully and promptly perform any duties required of him by this act, and knowingly violates any provision thereof, or wilfully make any false or fraudulent showing in any statement or report thereby

rendered by him, or in any account or book provided for herein, or knowingly collects illegal fees or costs, or knowingly directs or permits any deputy, assistant, clerk or employe to collect illegal fees or costs, shall, upon conviction, be fined in any sum not more than one thousand dollars, or be imprisoned in the penitentiary not more than one year, or both; and such officer shall thereby be removed also from office; and if any deputy, assistant, clerk or employe knowingly and wilfully violate any provision of this act, he shall be fined not more than one hundred dollars or be imprisoned in the county jail not more than three months. The aforesaid penalties against said officer, deputies, assistants, clerks or employes, shall be in addition to the penalties provided by existing statutes, and the fines imposed by this section shall be paid into the county treasury to the credit of the county general fund of the county.

SECTION 15. The official bond required by law hereafter taken from any of the said officers shall be deemed to make the parties to the same liable for any violation of the provisions of this act, and the faithful performance of all the duties required thereby.

SECTION 16. Any provision of the statute in force when this act takes effect which conflicts with any provision of this act, shall, to the extent that it is inconsistent and conflicts with this act, and not otherwise, be held to be superseded by this act, as to the officers referred to herein; but other provisions of this statute so in force relating to county officers, their duties, and to county affairs, shall not be affected by this act.

Provided that nothing herein shall be construed to prevent the county auditor from acting as city auditor, or the county treasurer from acting as city treasurer, nor from receiving compensation therefor.

SECTION 17. This act shall take effect and be in force from and after its passage, but it shall not affect fees, compensation or salary of any officer mentioned in section 1 hereof, elected prior to the passage of this act.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 188L

[House Bill No. 968.]

AN ACT

To amend an act to provide an official stenographer for Huron county, Ohio, passed March 20, 1894 (91 O. L., 534.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Huron county, Ohio, the court of common pleas or a judge thereof in vacation, may appoint one official stenographer for such county, who shall hold such office for a term of three years from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said

office, and shall receive a salary of one thousand dollars ($1,000) per annum to be paid in equal monthly installments, out of the general fund of said county upon the warrant of the county auditor of such county, who shall issue his warrant therefor on the treasury for the payment of said salary when there is filed in his office a certified copy of the journal entry of such appointment. It shall be the duty of said stenographer, unless the same be waived by the parties and the court to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in course of the trial or hearing and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct. In all cases or proceedings held or tried in the circuit, common pleas and probate courts such stenographic notes to be the property of the county and filed and preserved in the office of such stenographer, and the court shall not be required to reduce to writing its charge to the jury in any case in which such notes shall be taken of the charge, when a transcript in longhand shall be made out, and may be taken by the jury in their retirement and returned with their verdict into court. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party or his attorney, or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, to be paid for forthwith by the party ordering the same, but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be first ordered by the judge trying the case, for his own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case the bill therefor shall be approved by the court before whom said case was heard or tried. Such stenographer shall without extra compensation also take down from the dictation of the court such shorthand notes as may be required by the court in preparing opinions or charges to juries.

SECTION 2. Such stenographer shall receive for making any such transcripts of said notes into longhand eight cents per folio of one hundred words, except when more than one such transcript shall be ordered at the same time, the fee for any such additional transcript shall be one-half the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them, and in every case where such stenographic notes are taken there shall be taxed for each day's service of said stenographer in so taking said notes a fee of four dollars ($4.00), to be collected as other costs in the case, and when so collected shall be paid quarterly into the county treasury by the clerk of such court.

SECTION 3. The commissioners shall provide the necessary stationery for the use of said stenographer, and such stenographer shall also have power to take and certify depositions in any of the courts of said state, and take and certify depositions in any other county in actions pending in said counties, and may be appointed a referee to take and report evidence in cases pending in any of the courts of this state, and in taking such depositions or evidence shall have the same powers and shall receive the same fees for services as other officers authorized to take depositions in this state.

SECTION 4. That the act providing an official stenographer in certain counties, to-wit: Huron county, Ohio, passed March 20, 1894 (91 Ohio Laws, pages 534 and 535), be and the same is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 189L

[House Bill No. 690.]

AN ACT

To authorize villages of the first class to issue bonds to build and equip a fire engine house.

[MIAMISBURG.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any village of the first class having a population of not less than three thousand nine hundred and thirty-five nor more than three thousand and nine hundred and sixty the council is hereby authorized to build and equip a building for the purpose of providing a place for the fire engine and for such other purposes as council may see fit to use said building, and to raise money to pay for same, not exceeding six thousand dollars, in the manner hereinafter provided.

SECTION 2. The council of such village is authorized to issue and sell the bonds of said village in an amount not exceeding six thousand dollars, which shall be used for the payment of said building and equipment, and said bonds so to be issued shall not be sold for less than the par value thereof, and the proceeds of the sale of said bonds shall be applied to the purposes herein named and no other.

SECTION 3. Said bonds may be issued in denominations of not less than fifty dollars nor more than five hundred dollars, bearing interest not exceeding five per cent. per annum payable semi-annually, and shall mature annually commencing at such date as the said council shall determine.

SECTION 4. For the payment of the principal and interest of said bonds, as the same shall become due, the council of such village shall levy a tax on all the taxable property within the limits of said village in such amount as will meet each year the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the auditor of the county and collected as other taxes.

SECTION 5. In any such village before the council thereof shall be allowed to issue said bonds, the question of issuing said bonds shall first be submitted after fifteen days' notice at any special or regular election to the voters of such village and if the majority of those voting on the proposition shall favor the issuing of said bonds then the said city council may proceed as in this act provided, and issue the same.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 190L

[House Bill No. 722.]

AN ACT

For the relief of Charles E. Smith, treasurer of the county of Columbiana, in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Charles E. Smith, late treasurer of the county of Columbiana, in the state of Ohio, and the sureties upon his official bond as such treasurer, be and the same hereby are relieved from the payment to said county of whatever part of the sum of $850.09 that shall remain unpaid to the said Charles E. Smith from the receiver of the First National Bank, of New Lisbon, Lisbon, Ohio, upon the settlement of its affairs, and said treasurer and his said sureties are hereby relieved from accounting to said county for any balance of said $850.09 which shall remain unpaid upon the winding up and settlement of the affairs of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 191L

[House Bill No. 841.]

AN ACT

To authorize the council of the village of Ada, Hardin county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Ada, Hardin county, Ohio, be, and it hereby is authorized to transfer the sum of five hundred and ninety dollars ($590) from the police fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 192L

[House Bill No. 625.]

AN ACT

To authorize the commissioners of Pike county, Ohio, to build a certain road.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Pike county, Ohio, be and they are hereby authorized, when the resident land owners along the route

of road herinafter named, shall secure to the county the right of way, and all the earth, gravel and stone necessary to the construction of said road free of cost and expense to the county, to construct a free turnpike along the following route, to-wit: Beginning at a point where the Camp creek free turnpike terminates near Camp Postoffice, in Camp creek township, Pike county, Ohio, and running thence a westerly course, following as nearly as practicable the present route of the Camp creek road along Camp creek to a point in said Camp creek road near what is commonly known as the William Long farm in said Camp creek township.

SECTION 2. That for the purpose of building said road and to obtain the money therefor, the commissioners shall have the right when they have determined to build said road, to issue the bonds of said county, not to exceed one thousand dollars per mile, and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such times and dates as the commissioners may deem best, to bear interest at a rate not greater than six per cent. per annum, and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and interest thereon as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar annually of the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act all duties not herein expressly set forth shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 193L

[House Bill No. 616.]

AN ACT

To authorize the issuing of refunding bonds or certificates of indebtedness to pay certain equitable indebtedness and obligations of cities of the third grade of the second class in the state of Ohio, and providing for and authorizing, in certain events, actions to be maintained against such cities on said equitable indebtedness and obligations.

[ZANESVILLE.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, when heretofore any city of the third grade of the second class, acting in accordance with an act of the legislature, has issued and sold bonds and has received the proceeds of such sale into the city treasury, and has used the funds so received, and, after such sale of bonds and the receipt and the expenditure of the proceeds by such city, a civil action is brought in any court of competent jurisdiction against such city, in which action it is claimed such act of the legislature is unconstitutional, and such city has been therein enjoined, temporarily or

permanently, from paying any of the interest on, or from paying the principal of, such bonds so issued and sold, and by reason of such permanent or temporary injunction such city cannot pay the interest on such bonds as it matures, or the principal at maturity, in the form in which said bonds were issued, the council of such city may, if it deems it for the best interests of the city, fulfill the equitable and moral obligation of said city to the holders of such bonds in an amount equal to the principal and interest which has accrued, and, for the purpose of so doing, may issue and sell bonds of such city, or borrow money in such amount and for such length of time and at such rate of interest as the said council may deem proper, not exceeding five per centum per annum, payable semi-annually, to be used in the reimbursement and payment of such equitable and moral claims and liabilities against such city; provided, that no such payment or reimbursement of any such moral or equitable claim shall be made of any claim that has remained due and unpaid for a longer period than five years; provided, further, that should the city council of any such city, upon the written request of the holders of any such equitable claim or claims against the city, as in this section described, fail, within six months after such demand, to make provision for such claim or claims under the provisions of this section, then in such case, the holder of any legal or equitable claim as in this section described against such city, shall have a right of action in any court of competent jurisdiction, to recover the amount of such claim and interest against such city at any time within a period of ten years from the time the cause of action accrues.

SECTION 2. This act shall be in force and take effect from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 194L

[House Bill No. 422.]

AN ACT

To vacate part of state road crossing part of section thirteen (13), of township seven (7), range two (2) east, in Williams county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That so much of the "State road," so called, leading from the county road along the south side of section thirteen (13), of township seven (7), of range two (2) east, running in a northwesterly direction to a point eighty (80) rods due north of the south line of the same, in Williams county, Ohio, be and the same is hereby vacated across so much of said land as the same occupies.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 195L

[House Bill No. 852.]

AN ACT

To provide for bridges and bridge bonds in cities of the second grade of the second class.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the second class, the board of city affairs is authorized to issue and sell the bonds of such city in an amount not exceeding three hundred and twenty-five thousand dollars, for the purpose of providing money to construct and erect bridges in such city, including superstructures, masonry, approaches, and all else pertaining thereto or necessary in connection therewith. The money arising from the sale of such bonds shall be paid into the treasury of such city and shall be used only for the purposes aforesaid.

SECTION 2. That the bonds provided for by this act shall be entitled "Bridge bonds," shall be in denominations of one thousand dollars each, and shall run for such length of time not exceeding thirty years, and shall bear such rate of interest not exceeding four per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall bear upon their face a reference to this act and shall be signed by the president of such board of city affairs and the city comptroller of such city and be sealed with his official seal, and they shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

SECTION 3. That for the purpose of paying the interest and principal of any bonds issued and sold hereunder, the authorities of such city are authorized to levy and collect each year, upon the tax duplicate of such city until all bonds issued thereunder, and the interest thereon, are paid, a tax not exceeding one-half of one mill on each dollar of valuation of all taxable property in such city in addition to all other taxes that are now or may hereafter be authorized by law.

SECTION 4. That and act entitled "An act to provide for bridge bonds for cities of the second grade of the second class," passed March 12th, 1902, is hereby repealed.

SECTION 5. That this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 196L

[House Bill No. 708.]

AN ACT

To supplement an act entitled, "An act to provide for waterworks purposes in cities of the first grade of the first class, passed April 24, 1896.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners appointed under the act to which this is supplementary, in addition to the money authorized to be borrowed under said act, are hereby authorized to borrow an additional

amount not exceeding two million ($2,000,000.00) dollars, and to issue bonds therefor, in the name of such city and under the corporate seal thereof. Said bonds shall be designated "Additional waterworks bonds," and all the provisions of the act to which this is supplementary, applicable to bonds issued under said act, the payment of the principal and interest, the security for such payment and the deposit and disbursement of the proceeds of the sale thereof, shall, in like manner, apply to bonds issued under this supplementary act.

SECTION 2. The premium and accrued interest received from the sale of bonds issued under this act, and under the act to which this is supplementary, and all moneys received by said commissioners from any source, the application of which is not otherwise expressly directed by the act to which this is supplementary, shall be deposited with the city treasurer, to the credit of the "Waterworks improvement fund," and become part thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 197L

[Senate Bill No. 173.]

AN ACT

To authorize the board of education of Harrison township, Pickaway county, Ohio to borrow money and issue bonds therefor for the purpose of erecting and equipping a school building, at Ashville, Ohio, for the use of the township high school and the schools of subdistrict number six of said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Harrison township, Pickaway county, Ohio, be and they are hereby authorized and empowered to borrow any sum of money, not exceeding ten thousand dollars, for the purpose of erecting and equipping a school building at Ashville, Ohio, for the use of the Harrison township high school and the schools of subdistrict number six of said Harrison township.

SECTION 2. That for the purpose aforesaid the said board of education is hereby authorized, by resolution adopted at a regular meeting thereof, to issue bonds not exceeding ten thousand dollars in amount, to be signed by the president and attested by the clerk thereof, in denominations of not more than one thousand dollars, nor less than five hundred dollars, bearing interest at a rate not exceeding six (6) per cent. per annum, payable semi-annually, said interest to be evidenced by coupons attached thereto, and said bonds to be payable at such time or times not exceeding twenty years from the respective dates thereof, as said board may determine at the time of issue; said bonds shall not be sold for less than their par value and to the highest bidder after advertising the time and place of such sale for thirty days in a newspaper of general circulation in said county of Pickaway, Ohio.

SECTION 3. Said board shall annually thereafter have the power, if necessary, to levy, in addition to the taxes now by law authorized to be levied, an amount of taxes sufficient to pay the interest on said bonds and to pay the principal thereof as they will become due, in the manner provided by law for the levying and collecting of taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 198L

[Senate Bill No. 84.]

AN ACT

To provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances, park driveways and boulevards, and for the improvement, management and control of parks, park entrances, park driveways and boulevards in cities of the second grade of the first class.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the second grade of the first class, there shall be a board of park commissioners consisting of five persons, all of whom shall be electors of the city in which said boards shall exercise the powers hereinafter given and granted. One member of each of said boards shall be the mayor of such city for and during the term or terms for which he has been or shall be elected, who shall be ex officio chairman of said board, but shall have no vote except in case of a tie. The other four persons shall be appointed in the cities in the respective counties by the persons for the time being holding the office of probate judge in the said counties respectively. Said board of park commissioners shall be appointed as follows: One member for a term of one year; one member for a term of two years; one member for a term of three years; one member for a term of four years, and on the expiration of the term of office of any such park commissioner, a successor shall be appointed for the term of four years; and not more than two of the four of any such commissioners so appointed shall belong to or be affiliated with the same political party. All persons appointed as such park commissioners shall hold their office until their successors are duly chosen and qualified. In the case of any vacancy caused by death or otherwise of any of said commissioners so appointed, such vacancy shall be filled for the unexpired term by the same appointive power. In case of any vacancy caused by death or otherwise of the mayor of any such cities the person qualified and authorized by law to perform the duties of mayor of any of such cities shall be a member of said board during the time he is exercising the authority of mayor, as aforesaid. Members of said boards of park commissioners, before entering upon their duties, shall take and subscribe an oath of office to honestly and faithfully perform their duties. Said five members of such boards shall serve without compensation, and the four appointed members shall each give bond in the

sum of twenty-five thousand dollars ($25,000), to the approval of the respective mayors for the faithful performance of their duties. The office of any member of said boards so appointed, who shall not attend the regular meetings of said boards respectively, fixed by their rules and regulations, for a period of three successive months without satisfactory reason therefor to said boards respectively, shall be declared vacant by said respective boards.

SECTION 2. Such board of commissioners shall have exclusive charge, supervision and control of the parks, park entrances, park driveways and park boulevards, belonging to such cities or which may now or hereafter be in their control. Such board of park commissioners shall have power to acquire and hold property in the name of their respective cities, by purchase or condemnation, for public parks, for the enlargement of public parks, park entrances, park driveways and for park boulevards; to receive gifts, donations and devises of lands or property for public parks, park entrances, park driveways or park boulevards, on behalf of such cities, and in the name of such cities, to lay out, construct and improve with walks, park drives, park roads, park bridges, shelter houses and other improvements for the public works, park entrances, park driveways and park boulevards, held by them or under their control; to enter into contracts for the construction, enlargement and improvement of such parks, park entrances, park driveways and park boulevards; to adopt rules and regulations, regulating the use of the same and the travel and traffic thereon, and to prevent disorder and improper conduct within the precinct of any park, park entrance, park driveway or park boulevard. All rules and regulations which said boards shall at any time pass, shall, immediately, after their passage, and before taking effect, be published at least ten days in two daily newspapers of opposite politics, and of general circulation printed in such cities.

SECTION 3. Such boards of park commissioners shall also have power to receive in the names of such cities, gifts, donations and devises of land or property for the establishment and maintenance within the limits of any parks or museums, zoological or botanical gardens, collections of natural history, observatories or works of art, upon such terms and conditions as may be agreed upon by and between the grantors or donors thereof and such boards of park commissioners, subject, however, to the approval of the city councils of such cities, but all properties sold, granted, conveyed, devised or bequeathed, and the rents, issues and profits thereof must be subject to the management and control of such boards of park commissioners and may be improved or added to in their discretion, and shall be protected, preserved and arranged by such boards of park commissioners for public use and enjoyment, under such rules and regulations as such boards shall from time to time prescribe. Admission to such gardens and such museums shall be free to the public.

SECTION 4. It shall be unlawful for any person to cut, injure or deface any tree, building, fence or other erection in any of the said parks, park drives, park entrances or park boulevards, or to turn domestic animals or poultry of any description upon the same or to permit them to wander thereon; to carry firearms within or to frighten, hurt or kill animals or birds belonging to the same, to hinder or to interfere with men employed upon the same. Such boards of park commissioners and their officers and employes shall have power to make arrests for misdemeanors committed within the precincts of any park, park entrance, park driveway

or park boulevard under their management and control, whether within or without the limits of such cities, or for the violation of any ordinances of such city. Such boards of park commissioners shall have power to seize and impound any cattle, horses, mules, donkeys, goats, swine, sheep or other animals, or any poultry of any description found running at large upon such park, park entrances, park driveways or park boulevards.

SECTION 5. Such boards of park commissioners may employ such engineers, landscape gardners and such gardners, laborers and other employes, as may be necessary to perform and accomplish the purposes of this act. And they shall fix the salary and compensation to be paid such employes.

SECTION 6. Such boards of park commissioners shall have power to appropriate, enter upon and condemn for public use, and hold and possess on behalf of and in the name of such cities any property for enlarging any park, parks or public grounds which may now or hereafter be owned by any such city, and for establishing such public park or parks, park entrances, park driveways and park boulevards, as in the opinion of such board of park commissioners it may be necessary from time to time to establish, either within or without the limits of such cities, and when any such boards shall determine to appropriate property for either of such uses, a resolution to that effect shall be passed by such board and entered upon its minutes, declaring the intention to appropriate such property and the necessity therefor, and with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporate council of such city, whose duty it shall then be to cause application in writing in the name of such city to the court of common pleas of the county, or judge thereof, in vacation, or to the probate court of the county for the impaneling of a jury to assess the compensation to be allowed the owners of the property appropriated in the manner provided in sections 2236 to 2261, both inclusive, of the Revised Statutes of Ohio for appropriating private property by municipal corporations, and all the proceedings hereunder, except as herein authorized, shall be governed by the provisions of such sections of the Revised Statutes of Ohio, and the amount of compensation adjudged to any owner, together with the costs and expenses of such proceedings shall be paid out of the park funds herein provided.

SECTION 7. Any such board of park commissioners shall also have power by a four-fifths vote of the members thereof, with the approval of the city council, and upon proper compensation being paid therefor, to grant to any such city or the county wherein any such city is located, or to the state of Ohio, or to any library board, any board of art trustees, the right to use so much of any of such parks containing more than twenty acres of land, as may be necessary to erect and maintain public buildings or quasi-public buildings thereon. The remainder of such park, however, to remain under the control and supervision of such board. And any such board of park commissioners, with the approval of the city council, is hereby empowered to grant and convey the fee, or to lease so much land not acquired by condemnation as may be occupied by any such building and accessories, and to contract with reference to all necessary approaches thereto.

SECTION 8. For the purpose of carrying out the provisions of this act and also for the purpose of assisting to pay for constructing, enlarging improving, or extending any park, park entrances, park driveways

or park boulevard, any such board of park commissioners is hereby authorized and empowered to make special assessment upon all property within any such city benefited by any such constructing, enlarging, improving or extending any park, park entrance, park driveway or park boulevard, to the extent such board shall decide, and in proportion to the benefit which may result therefrom to such property. And such board of park commissioners shall be controlled by, subject to and vested with all the power and authority given to city councils by sections 2263 and 2264a of the Revised Statutes of Ohio, not inconsistent with this act in relation to making and collecting all such assessments. The proceeds of all assessments shall be paid to the city treasurer to the credit of such board of park commissioners and subject to their order, by warrants drawn on the city treasurer.

SECTION 9. It shall be the duty of all such boards of park commissioners, to annually report to their respective city councils the amount of tax to be levied upon the real and personal property of such cities, necessary and sufficient to pay the interest of all bonds issued by such city for park purposes, and to provide a fund for the payment of such bonds at maturity. The council of such city shall levy a tax upon all such real estate and personal property sufficient to meet the purposes aforesaid, and certify the same to the county auditor.

Such tax to pay the interest on such bonds and the principal thereof shall be in addition to the amount now authorized by law to be levied for municipal purposes, and when so certified shall be placed upon the grand duplicate of such cities by such county auditors of the several counties wherein such cities are located, and collected according to law.

SECTION 10. Whenever any board of park commissioners makes any special assessments as provided in this act, such board, with the approval of the city council, may borrow money in anticipation of the collection of such assessments, and issue the notes or bonds of such city therefor as provided in and in accordance with sections 2704 and 2705 of the Revised Statutes of Ohio, such notes or bonds to be executed as other notes or bonds of such cities.

SECTION 11. Such boards of park commissioners shall also annually certify to their respective city councils the estimated amount needed for defraying the expense of managing and controlling the parks, park entrances and park driveways, and such council shall thereupon annually levy a tax on all the taxable property in such cities for the purpose of defraying such expenses, and the same shall be certified by the county auditor and collected according to law as other taxes; but such levy shall be subject to the approval of the respective boards of tax commissioners of such cities, and the proceeds of such levy shall be placed in the city treasury to the credit of such boards of park commissioners in a fund to be known as the "Park expense fund," and applied exclusively to the expense of managing, maintaining and controlling the parks, park entrances, park driveways and park boulevards. Warrants on city treasuries by such boards of park commissioners for payment out of such fund shall be designated on their face "Park expense fund."

SECTION 12. All revenues arising from the public property under the management and control of such boards of park commissioners shall be placed in city treasuries to the credit of such board in the fund known as the "Park expense fund."

SECTION 13. No member of any of said boards of park commissioners, nor any person in the employ of any said commissioners, shall have the power to create any debt, obligation, claim or liability for or on account of such board, or the moneys or said property under his control, except with the express authority of such board, conferred at a meeting thereof duly convened and held.

SECTION 14. The title of all property now or hereafter acquired for park purposes, park entrances, park driveways and park boulevards, with all improvements and equipments, shall be held free from all taxes and assessments by state, county or municipality.

SECTION 15. No power possessed by any such boards of park commissioners shall be delegated to or performed by any member of any of the committees of such boards; but all power possessed by such board shall be exercised by such board as a board.

SECTION 16. No contract involving the expenditure of money or debt shall be made by any of such boards unless there be money in the city treasury applicable thereto or taxes applicable thereto be in process of collection, sufficient to meet the obligations of such contract or debt, and the auditor of such city shall have given a certificate in writing to that effect. Such boards shall not enter into any contract for work or material or supplies to be furnished under this act where the cost will exceed five hundred dollars ($500) without first causing at least ten days' notice to be given in two newspapers of opposite politics and general circulation in such city, that sealed proposals will be received for doing the work or furnishing the materials or supplies.

All bids shall be enclosed in a sealed envelope, and deposited with the clerk, of such board; and such sealed envelope shall have endorsed thereon the nature of the same and the name of the bidder, and all bids shall be opened at a regular meeting of any such board, and at an hour to be indicated in said notice. Each bid shall be accompanied by a bond signed by sufficient sureties for the acceptance of the contract, if awarded by the board; or the bidder may deposit with the board in lieu of such bond, a certified check or cash, in such sum as the board shall indicate; and in case of refusal by the bidder to enter into contract according to his bid, within such reasonable time as the board may determine said bond shall be put in suit, and the amount collected paid to the park fund.

Such boards shall enter into contract with the lowest and the best bidder upon his giving bond to such city, with such sureties as the board shall approve, that he will perform the work and furnish material in accordance with his contract, and that the sureties agree in advance to such modification and alteration as may be made by the board and the contractor, and upon failure of such bidder, within a reasonable time to be fixed by the board; to enter into bond with the sureties afore provided, the contract may be made with the next lowest bidder and so on, until a contract is effected with a contractor, giving bond as aforesaid, provided that the board may let the work in part or in whole, and may receive bids for labor and material separately as they may deem best, and may reject any and all bids.

SECTION 17. No member of any such board or any employe shall be interested in any contract entered into or expenditures made by such board.

SECTION 18. Each such board of park commissioners shall annually make a report of its proceedings together with the total amount of its expenditures, to the legislative body of such city.

SECTION 19. Any and all acts and all sections or portions of the Revised Statutes of Ohio in and so far as the same are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 20. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 28, 1902. 199L

[House Bill No. 618.]

AN ACT

To provide stenographer services in certain counties.

[DARKE COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in counties which have a population of not less than forty-two thousand five hundred and twenty-two and not more than forty-two thousand five hundred and forty-two, the prosecuting attorney of such counties shall be allowed and paid for stenographer's services within such counties in the discharge of his duties the sum of two hundred and fifty ($250.00) dollars annually, which sum shall be paid out of the county treasury upon the warrant of the county auditor.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 200L

[House Bill No. 786.]

AN ACT

To authorize the trustees of Swan township, Vinton county, Ohio, to purchase a site and erect a town hall, and to issue bonds for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Swan township, Vinton county, Ohio, be and are hereby authorized to purchase a site and erect a town hall within a mile from the center of said Swan township, Vinton county, Ohio, at a cost not to exceed one thousand ($1,000.00) dollars, and in anticipation of the collection of taxes necessary to pay the

cost of constructing said building to borrow money and issue bonds therefor not exceeding one thousand dollars ($1,000.00). Said bonds to be of such denominations as said trustees may deem proper, and shall run for a period not exceeding five years, and to bear six per cent. interest per annum, payable semi-annually.

SECTION 2. Said township trustees shall annually thereafter cause the necessary tax in addition to that authorized by law to be levied on the taxable property in said township of Swan, to pay said bonds as they become due and interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 201L

[House Bill No. 807.]

AN ACT

To authorize the board of education of Swanton special school district of Swanton, Fulton county, Ohio, to issue bonds for the purposes herein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the school board of the special school district of the village of Swanton, Fulton county, Ohio, be and the same is hereby authorized to build and equip a new school building in said school district, and to raise money to pay for same not exceeding fifteen thousand dollars in the aggregate, in the manner hereinafter provided.

SECTION 2. The school board of said special school district is hereby authorized to issue and sell the bonds of said school district not exceeding in amount fifteen thousand dollars, which shall be used for the payment of the said building and equipment, and said bonds so to be issued shall not be sold for less than the par value thereof, and the proceeds of the sale of said bonds shall be applied to the purposes herein named.

SECTION 3. Said bonds as aforesaid authorized to be issued and sold, shall be signed by the president of said special school district, and countersigned by the clerk of said special school district, and may be issued in denominations of not less than one hundred dollars nor more than five hundred dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually. Said bonds shall mature annually commencing at such date as said school board shall determine. In the payment of the principal and interest of said bonds as the same shall become due, the school board of said special school district of the village of Swanton is hereby authorized and required to levy a tax on all the taxable property within the limits of said special school district, in such amounts as will meet each year the principal and interest then falling due upon such bonds, which levy shall be placed on the tax duplicate by the auditor of said Fulton county and collected as other taxes.

SECTION 4. Before any such bonds shall be issued and sold, the question of the issue and the sale for the purposes herein specified shall be submitted to the qualified electors of such village at a regular or special election called for the purpose of voting on such question, notice of which election at least ten days prior to the day of holding the same shall be given by the clerk of said special school district in all the newspapers published and in general circulation in said village of Swanton. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such special school district. Those voting in favor of the issue of such bonds shall have written or printed on their ballots the words: "For the issue of school bonds—yes;" those voting against the same the words: "For the issue of school bonds—no." If a majority of such electors voting on said question shall vote "yes," then the school board of said special school district of Swanton shall have authority to proceed to issue and sell said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 202L

[Senate Bill No. 320.]

AN ACT

To authorize the council of the city of Defiance to transfer funds from the water fund to the general fund, to the road fund and to the sewer fund of said city.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Defiance, Ohio, be and the same is hereby authorized and empowered to transfer eighteen thousand dollars ($18,000) from the water fund of said city to the general fund, road fund and sewer fund, said eighteen thousand dollars to be apportioned among said three funds last above named as follows: Twelve thousand dollars ($12,000) to the general fund; three thousand dollars ($3,000) to the road fund; and three thousand dollars ($3,000) to the sewer fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 203L

[House Bill No. 345.]

AN ACT

To amend sections 1, 4 and 9 of an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Meigs county, Ohio," passed March 1st, 1900, to read as follows:

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 4 and 9 of an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Meigs county, Ohio," passed March 1st, 1900, be amended so as to read as follows:

Sec. 1. That in Meigs county the compensation of the officers thereof specified in this section, shall be by annual salary exclusively except as provided herein, and in sections 9 and 12 of this act, to be paid in equal monthly installments, as follows: The auditor, probate judge, clerk of courts and sheriff each one thousand dollars; the treasurer, twelve hundred and fifty dollars; the commissioners, six hundred dollars each, and expenses, but in no year shall the aggregate expense account for each exceed the sum of two hundred dollars; and the prosecuting attorney, seven hundred and fifty dollars per year; and neither of them shall receive, or agree to receive directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty, except as hereinafter provided, nor a reward of any kind from any employes of his office or other person in consideration of the appointment of any such employe, or any portion of the compensation of any employe, nor any money or other thing of value by way of gift or otherwise from any officer, agent or employe of the county or its commissioners, or from any other person, and no such employe shall pay or agree to pay directly or indirectly to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer for performance or omission of any official duty. But the officers herein mentioned, when outside the county on official business, shall be reimbursed for their actual expenses, to be paid out of the county treasury. The compensation of the deputies of such officials shall also be by annual salary exclusively, to be paid in monthly installments, and all such salaries shall be paid by the county in the manner hereinafter provided, but if any such officer be removed from office, or any such deputy be dismissed from his position, his compensation shall cease at the time of such removal.

Sec. 4. All fees, costs, percentages, penalties, all allowances, and other perquisites which are now, or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section 1, of this act, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in section 9, of this act, and the total receipts thereof each month, by each of said officers shall be paid by him to the county treasurer, at the close of the business of the month and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts on books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites, that accrue to his office, and from whom the amounts paid to him each month, and by whom the amount paid to the county treasurer each month, and the amount due and unpaid and also the name of each person or party liable

for any part of such as are due from each; provided, that such fees, costs, penalties, percentages, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment.

Sec. 9. The sheriff shall be allowed, in addition to his salary the fees allowed by law for the conveyance of persons to the several public institutions. He also shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with. And the sheriff shall, at the end of each calendar month, file with the commissioners of the county an authorized statement of all moneys by him and his deputies expended in and about the services and execution of the writs and orders of the courts, except the orders hereinbefore specified, which statement shall be sworn to by him and approved by the county commissioners, and when so approved, an order shall be drawn upon the treasurer, payable to the sheriff for the sum by him and his deputies so expended. And the county auditor shall receive the legal fee allowed for the transfer of real estate, and such sum as the commissioners may allow for making a record of the proceedings of the board of commissioiners and indexing the same, in addition to his salary. And the county treasurer in addition to his salary, shall receive five per centum of the delinquent personal taxes collected by him and paid into the treasury.

SECTION 2. Said original sections 1, 4 and 9 are hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 204L

[House Bill No. 1052.]

AN ACT

To authorize the board of waterworks trustees of the city of Wellsville, Ohio to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of waterworks trustees of the city of Wellsville, Ohio, be and are hereby authorized to transfer the fund raised by a sale of bonds of said city under ordinance No. 329 of said city, passed January 7, 1901, and for the purpose stated in a resolution pertaining to the same, passed October 1st, 1900, now known and marked as a new fund; that said waterworks trustees are hereby authorized to transfer said fund to the general fund for the improvement and enlargement of the water works system of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 205L

[House Bill No. 759.]

AN ACT

To authorize the trustees of St. Mary's township, Auglaize county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of township trustees of St. Mary's township, Auglaize county, Ohio, be and are hereby authorized to transfer the sum of one thousand five hundred ($1,500.00) dollars from the poor fund of said township to be apportioned among the respective funds of the township as follows: To the township general fund, one thousand dollars ($1,000); to the road fund of said township, three hundred ($300.00) dollars, and the remainder to such other funds as the trustees may determine.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 206L

[House Bill No. 563.]

AN ACT

To authorize the board of county commissioners of Shelby county, Ohio, to purchase and improve lands on which to hold county fairs and to issue bonds of said county and levy taxes to pay for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Shelby county, Ohio, be and it is hereby authorized to provide for the purchase of and to purchase for and on behalf of said county, lands in the vicinity of the county seat of said county and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and advancement of agriculture in said county. Said lands shall be of such amount and dimensions and shall be so improved by said board as in the judgment of said board will be reasonably necessary for such purpose. The title of any and all such

lands shall be conveyed to and vest in the board of county commissioners of Shelby county, Ohio.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to pay for and improve said lands for the purpose aforesaid, is hereby authorized to issue and sell the coupon bonds of said county, in any amount not exceeding ten thousand ($10,000) dollars, payable at such place and such time or times, not exceeding in all a period of ten years from the date of issue, and bearing such rate of interest not exceeding five per centum per annum, payable semi-annually, as said board of commissioners may determine, and said bonds shall not be sold for less than their par value and shall be signed by said county commissioners and attested by the auditor of said county with his seal attached thereto. The money arising from the sale of said bonds shall be paid into the treasury of said county and shall be paid out and expended for the purposes herein expressed under the direction of said board of county commissioners on the warrants of the auditor of said county.

SECTION 3. Said board of county commissioners is hereby authorized to annually levy on all taxable property of said county such tax, in addition to other taxes, as will be necessary to provide for the prompt payment of said bonds and the interest thereon as the same shall become due and payable.

SECTION 4. The said board of county commissioners is hereby authorized to permit the use and occupation of such grounds and improvements by the county agricultural society of said county, organized under the laws of Ohio, except as hereinafter provided.

SECTION 5. The county agricultural society shall be governed by a "board of managers" consisting of two members from each township in the county—not more than one shall belong to the same political party in each township—and said board shall be styled the county agricultural board.

SECTION 6. That at the annual fall election held in said county in 1902, in each township of said county, there shall be elected by the qualified electors thereof two (2) members of the agricultural board; the candidate receiving the highest number of votes shall be declared elected until the second Saturday in January, 1905, and the candidate receiving the next highest number shall be declared elected until the second Saturday in January, 1904, and that thereafter, annually, at the annual fall election held in said county, for the election of the state and county ticket there shall be elected in each township of said county, by the qualified electors thereof, one (1) member of the agricultural board, who shall hold his office for two years and until his successor is elected and qualified.

SECTION 7. The election of members of the agricultural board shall be governed in all respects by the same laws governing the elections of other township officers, and the township clerk shall issue notices of election to such members elect as required by law for other township officers. Each person receiving such notice of election, shall, within ten days thereafter, appear before some officer authorized to administer oaths, and take an oath to faithfully perform the duties of the office; and the officer administering such oath shall issue a certificate to the officer so qualified.

SECTION 8. The members so elected and qualified shall, annually on the second Saturday of January, at two o'clock P. M., next after their election, meet at the secretary's office on the grounds, or some other place centrally located in the county, of which due notice shall be given by the secretary of the agricultural society, and there proceed to elect one president, one vice-president, one secretary, one treasurer; such officers to serve one year, and until their successors are elected and qualified. The president and vice-president so elected shall be members of the board. Said board shall have all the power and be governed by such laws and regulations as govern county agricultural societies.

SECTION 9. All vacancies occurring in said board shall be filled by appointment by said board until the next annual election, when the same shall be filled in the same manner as in the original election of members thereof.

SECTION 10. That at the next general election to be held in the state of Ohio, after the passage of this act, the officers whose duties it is to provide for the printing of the ballots shall cause to be printed on all ballots, below the list of names of candidates for office, with a blank space on the left margin in which to give each elector a clear opportunity and to designate his choice the following: For the issue of bonds. Against the issue of bonds.

Notice that said proposition is to be submitted shall be given by the sheriff by proclamation, for the same length of time and in like manner as in his proclamation of general elections required by law. The clerks of each election precinct shall write on separate ruling on the left hand margin of the tally sheets below the names of candidates: For the issue of bonds; against the issue of bonds; and shall enter on the appropriate ruling the tallies of all votes cast for and against said proposition, and the aggregate number of votes against said proposition in each voting precinct shall be forthwith certified by the precinct election officers to the proper board of deputy supervisors of elections, in like manner as the return of elections of county officers are certified, as required by law, who shall record the aggregate number of votes for and against said proposition. If upon such election a majority of the votes cast on said proposition shall be in favor of an issue of bonds, this act shall take effect and be in force from and after the 1st day of December, A. D. 1902; but if a majority of the votes cast on said proposition be against an issue of bonds, then this act shall be void.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 207L

[House Bill No. 835.]

AN ACT

To authorize boards of education in city districts of the second grade of the first class to issue bonds for the purpose of erecting, furnishing and equipping high school buildings.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the second grade of the first class be and they are hereby authorized and empowered to issue bonds for the purposes as hereinafter set forth in an amount not to exceed two hundred and seventy-five thousand dollars, payable at such time and place as such boards of education may determine.

SECTION 2. Said bonds shall be issued by said board; shall contain a citation of the law and resolution authorizing the same; shall be signed by the school director and the auditor of the board, and shall bear interest at a rate not to exceed four per cent. per annum, payable semi-annually.

SECTION 3. The board of education shall advertise and offer the said bonds for public sale or so many of said bonds as they may deem necessary in the form and manner as provided by an act entitled "An act providing for the sale of public bonds," passed March 22, 1883, (80. O. L., 68). The funds arising from the sale of said bonds shall be used and applied solely to the erection of necessary buildings, furnishing and equipping of said buildings or other buildings now in process of construction for high school purposes.

SECTION 4. To provide for the redemption or said bonds and the payment of interest thereon, said boards of education are authorized and required to levy, annually, until said bonds mature, upon the general tax duplicate of said district, in addition to its levies for all other purposes, a tax not exceeding one-tenth of a mill on the dollar in each year. In case there be a board of education sinking fund commission in said school district, the proceeds of said tax so levied shall be appropriated and paid over by said board of education to the board of education sinking fund commission of said district, and the said commission shall use said funds for the redemption of said bonds or for the redemption of any bonds of the said board of education outstanding, and the payment of the interest thereon, and for no other purpose.

SECTION 5. That section 3994*b* of the Revised Statutes of Ohio, and all other statutes inconsistent with any provision of this act are hereby repealed so far as the same are inconsistent herewith and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 208L

[House Bill No. 856.]

AN ACT

To authorize the board of education of the city of Zanesville, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the city of Zanesville, Ohio, be and it is hereby authorized to transfer the sum of four thousand six hundred and seven dollars and fifty-six cents from the sinking fund to the general fund of said board.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 209L

[House Bill No. 474.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for cemetery purposes.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That cities of the second grade of the first class be and the same are hereby authorized to issue and sell the bonds of such municipal corporations, in any sum or sums not exceeding two hundred thousand dollars, for the purpose of purchasing land and the improvement thereof, to be used as city cemeteries. Said bonds shall be issued and sold in the manner and form provided by law at such time or times as the councils of such cities may determine, and shall mature not later than thirty years from the date thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 210L

[House Bill No. 808.]

AN ACT

To authorize the village of Oakley, Hamilton county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Oakley, Hamilton county, Ohio, be, and it is hereby authorized to transfer sixteen hundred and eighty-six dollars and ninety-seven cents, ($1,686.97) from the water fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 211L

[House Bill No. 801.]

AN ACT

To divide Springfield township, Muskingum county, Ohio into two separate voting precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Springfield, Muskingum county, Ohio, be, and the same is, divided into two election precincts, as follows: The first shall be called South Zanesville precinct, and shall include all that part of said township including the incorporated village of South Zanesville, lying south and southeast of the city of Zanesville and a certain county road commonly known as and called the Coopermill road and lying east and southeast of the following described line, to-wit: Beginning at that point in the center line of said Coopermill road, where the same is intersected in the southeast quarter of section 11 of said township, by the center line of the first public road west of Zanesville Terminal railroad, leading in a southwesterly course; thence along the center line of said last mentioned public road to the south line of section 14; thence west along the south line of section 14, to the southwest corner of said section; thence south to the boundary line between said Springfield township and Newton township; the second shall be called Springfield precinct, and shall include all of that portion of said Springfield township not embraced within the boundaries of said South Zanesville precinct; the place of holding elections in said South Zanesville precinct to be in the incorporated village of South Zanesville; the place of holding elections in said Springfield precinct to be at the present polling place of said Springfield township; provided that but one assessor shall be elected for said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 212L

[House Bill No. 617.]

AN ACT

Relating to the duties and compensation of certain county officers and their assistants, in Sandusky county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Sandusky county, Ohio, the compensation of the officers thereof specified in this section shall be by annual salary exclusively, except as otherwise provided in sections nine and twelve of this act, to be paid in monthly installments as follows: The auditor, eighteen hundred dollars; the treasurer, two thousand dollars; the probate judge, eighteen hundred dollars; the sheriff, eighteen hundred dollars; the clerk of court of common pleas, sixteen hundred dollars; the recorder, fifteen hundred dollars; the prosecuting attorney, nine hundred dollars; the county commissioner, one thousand dollars; infirmary director, two hundred dollars; the coroner, one hundred and twenty dollars; and none of them shall receive nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe, in his office or other person in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily as provided in the next section, shall also be by annual salary exclusively, to be paid in monthly installments. And all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office, the commissioners shall have in view the number employed therein preceding the passage of this act, and also the increase or diminution from time to time of the labor to be performed in such office; and in determining the salaries thereof they shall allow to one deputy in the offices of clerk of court of common pleas, probate judge, treasurer and auditor, respectively, a salary of not more than seven hundred dollars nor less than five hundred dollars per annum, but no other deputy, clerk or employe in either of said offices shall be allowed more than four hundred dollars per annum; and in the offices of recorder and sheriff they shall allow the deputy a salary of

not more than six hundred dollars, nor less than five hundred dollars per annum, but no other clerk or employe in the last mentioned offices shall be allowed more than four hundred dollars per annum; provided, that the employment of clerks or other assistants temporarily, in addition to the regular employes, at a stipulated sum not to exceed two dollars per day, may be authorized by the commissioners when they are satisfied that the business of any such office so requires.

SECTION 3. The commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers, and the compensation of each; and on the first business day of each month each of said officers shall submit to the commissioners a pay roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay roll, and the capacity in which he was employed, and also the salaries of the officer and employe respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay roll a statement sworn to by the officer that the pay roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commissioners find upon examination that such pay roll is correct, they shall endorse thereon their approval thereof, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay roll on the right hand margin opposite their respective names, in a space headed "Received from the county auditor a warrant for the amount shown hereon to be due me."

SECTION 4. All fees, costs, percentages, allowances, and other perquisites which now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section 1 of this act, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections 9 and 12 of this act, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section 7, of this act, be paid by him to the county treasurer on the first business day of each month, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided by the county commissioners for that purpose, showing all fees, costs, percentages, penalties, allowances, and other perquisites that accrue to his office, and from whom the amounts paid him each day, and by whom the amounts paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment; except in habeas corpus and divorce cases.

SECTION 5. Each officer mentioned in section 1 of this act, shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month and the total for the month from

each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances, and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement, after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement and such amounts due and unpaid up to that time.

SECTION 6. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them, and shall be subject to public inspection during all official business hours; and the account books provided for by section four of this act, shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one of this act shall be turned over to his successor in office.

SECTION 7. Each officer mentioned in section one of this act shall keep up and maintain any and all records, books, and indexes now in use in their various offices, and exercise due diligence in the collection of fees, costs, percentages, penalties, allowances, and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned.

SECTION 8. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with, and they may employ an expert accountant whenever and for such time as they may deem necessary, and at such compensation as they may deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one of this act, are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter, and may, if they deem it necessary or expedient, subpœna witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

SECTION 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoner shall be kept and provided for, and shall see that the terms of the contract are fully complied with. And the sheriff shall at the end of each calendar month, file with the commissioners of the county, an itemized statement of all moneys by him and his deputies expended in and about the service and executions of the writs and orders of the courts, which statement shall be sworn to by him and approved by the county commissioners, and when so approved,

an order shall be drawn upon the treasurer payable to the sheriff for the sum by him and his deputies so expended.

SECTION 10. Nothing in this act shall be construed to vest in any officer mentioned in section one of this act, such fees, costs, percentages, penalties, allowances, or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances, and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected hereby.

SECTION 11. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 12. All accounts of costs, and fees due to any of the officers named in section one of this act, which remain unpaid for the period of one year, shall by such officer be transferred to the sheriff of such county for collection, who shall on the first Monday in each month pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the sheriff a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precipe of such sheriff to enforce the payment of all such accounts to him transferred for collection. For such services such sheriff shall receive ten per centum on all amounts so by him collected and no more, which shall be in addition to the salary fixed in section one herein, upon approval of the county commissioners.

SECTION 13. If any officer, deputy or clerk mentioned in section one and two of this act wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or willingly makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be subject to the penalties provided by existing statutes.

SECTION 14. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section one hereof a new and additional official bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 15. Any provision of statute in force when this act takes effect which conflicts with any provision of this act shall, to the extent that it is inconsistent with the latter, and not otherwise, to be held to be superseded by this act as to county described herein: but other provisions of statute so in force relating to the county officers and county affairs shall not be affected by this act.

SECTION 16. This act shall take effect and be in force from and after its passage, but it shall not affect the fees, compensation or salary of any

ficer mentioned in section one hereof, elected prior to the passage of his act.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 213L

[House Bill No. 795.]

AN ACT

To authorize the trustees of Pike township, Brown county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Pike township, Brown county, Ohio, be and they are hereby authorized to transfer from the poor fund of said township to the general fund of the same, the sum of three hundred ($300.00) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 214L

[Senate Bill No. 239.]

AN ACT

To authorize the village of Oakley, Hamilton county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Oakley, Hamilton county, Ohio, be and are hereby authorized to transfer sixteen hundred and eighty-six and 97-100 ($1,686.97) dollars from the water fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 215L

[House Bill No. 1022.]

AN ACT

To authorize the board of education of the South Brooklyn village school district, Cuyahoga county, Ohio, to issue bonds and levy a tax for the payment of the same, for the purpose of purchasing a school site, and erecting and furnishing a school building thereon.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the South Brooklyn village school district of Cuyahoga county, Ohio, be and is hereby authorized and empowered to issue the bonds of said school district in such amounts as it may determine not to exceed the sum of eighteen thousand dollars ($18,000.00) in the aggregate, bearing interest at a rate not exceeding six per cent. per annum payable semi-annually; to be issued in denominations of not less than one thousand dollars ($1,000) each. Said bonds shall mature annually, commencing at such date as said school board shall determine.

SECTION 2. Said bonds shall be signed by the president of said board, and attested by its secretary, and said bonds shall be negotiable and shall be sold at such times and in such amounts as the said board may deem best at public or private sale at not less than their par value.

SECTION 3. Said board of education is hereby authorized whenever it shall in its opinion, be necessary to levy a tax to pay said bonds or the interest thereon, and shall certify such levy to the auditor of Cuyahoga county, Ohio, and said auditor shall cause any sum so certified by said board to be levied on all taxable property of said school district, and the same shall be collected as other taxes and paid into the treasury of said board in a like manner.

SECTION 4. The amount arising from the sale of said bonds shall constitute and be a building fund, and shall be used and applied only for the purchase of site for school grounds, and to erect and furnish school building thereon, and all moneys realized from the levy of taxes herein authorized shall be applied to the payment of the bonds aforesaid and the interest thereon.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 216L

[House Bill No. 500.]

AN ACT

To provide for an official stenographer for the county of Athens, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the judges of common pleas court of the third subdivision of the seventh judicial district of Ohio, shall within thirty

days from the passage of this act, and every third year thereafter, appoint for the county of Athens an official stenographer. Said stenographer shall be furnished the necessary stationery for the performance of official duties by the commissioners of said county. Said stenographer shall not, during the term of his or her office, be the partner, clerk, student or regular employe of any attorney residing or practicing in said county.

SECTION 2. Said stenographer shall hold his or her office for the term of three years from and after the date of his or her appointment and until his or her successor shall have been appointed and qualified, unless sooner removed by the court for neglect of duty, misconduct or incompetency. Such stenographer, before entering upon the duties of said office, shall take an oath of office for the faithful performance of the duties thereof. Such stenographer shall receive a salary of three hundred dollars ($300.00) per annum, payable quarterly out of the treasury of said county, and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of such official stenographer. Said salary shall be in lieu of all per diem fees in the common pleas and circuit courts of said county.

SECTION 3. It shall be the duty of such stenographer, unless there be a waiver thereof, by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and of such other proceedings as the court or the parties may direct, in all cases tried or heard in said common pleas and circuit courts; and the shorthand notes so taken shall be the property of the county, and shall be preserved in the office of the clerk thereof. If sessions of the common pleas and circuit courts are held in the said county on the same days such stenographer shall give preference to the common pleas court, unless excused by the presiding judge thereof. It shall be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript either in longhand or on a typewriter of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party, or parties, ordering the same, and the cost of said transcript, if used on appeal or error, shall be taxed as part of the cost in the case as the court may adjudge; but no such transcript shall be paid for out of the county treasury in any case, unless such transcript shall have been ordered by the judge or judges trying the case, for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts so ordered by the judge or judges trying the case and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount due for such transcripts, and the county auditor upon presentation to him of such certificate shall draw his warrant upon the county treasurer for the amount and when so paid such fee shall be taxed and collected as other costs in the case. Such stenographer shall also take from the dictation of the court without extra compensation such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 4. Such stenographer shall receive for making such transcripts of said notes, in addition to said salary, six cents per folio of one

hundred words for the first copy, and one cent per folio of one hundred words for each additional copy that may be ordered at the same time. In every case reported in said courts there shall be taxed for each day's service of said stenographer a fee of $4.00, to be collected as other costs in the case and when collected the same shall be paid quarterly by the clerk into the treasury of said county.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 217L

[House Bill No. 819.]

AN ACT

To create a special road district in counties having a population of not less than 53,175, nor more than 53,225.

[MUSKINGUM COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That counties having a population not less than 53,175 nor more than 53,225, are hereby created special road districts for the purpose of opening, macadamizing, improving, changing or altering and repairing all public highways, which are laid out and established therein, and each township excepting cities and incorporated villages therein are hereby created into sub-special road districts. The trustees shall on the first Monday of March, of each year, divide the township into districts to correspond with the number of supervisors deemed necessary for the proper care of the roads in said township, but the said number of districts shall not be more than four nor less than two. The trustees of each township in which there is a sub-special road district are hereby empowered to increase or diminish the number of its supervisors, but said number shall not be more than four nor less than two. Said supervisors shall be resident electors of that particular district or the township subdivision which he superintends.

SECTION 2. The electors of each sub-special road district shall on the first Monday of April of each year, elect not less than two, nor more than four supervisors for each sub-special road district, who shall have all the rights, perform all the duties, and be subject to all the liabilities provided for in the Revised Statutes of Ohio. Such sub-special road district supervisors so elected shall receive $2.00 per day for every full day's service of ten (10) hours in the performance of their duties as supervisors of roads and shall give bonds with sureties to the satisfaction of the township trustees, payable to the township trustees for the benefit of the state of Ohio, in the sum of five hundred ($500.00) dollars, conditioned for the faithful performance of their duties; which bonds shall be filed with the township clerks of their respective townships, and in county

enumerated in this act, the office [of] road supervisor is abolished and the trustees shall include in their notice of election for township offices, the office of sub-special road supervisors.

SECTION 3. After the passage of this act, the trustees shall make or cause to be made a plat of the roads of the several townships which shall be kept in the office of the township clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 218L

[House Bill No. 859.]

AN ACT

To authorize the incorporated village of Adelphia, in the county of Ross, state of Ohio, to issue bonds and provide for the application thereof, and to levy a tax for the payment of interest and the principal of the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the incorporated village of Adelphia, in the county of Ross, state of Ohio, be and is hereby authorized and empowered to issue bonds in the sum of one thousand dollars to be used as a bonus for a flouring mill.

SECTION 2. The council of the said village of Adelphia, shall have power to levy a tax on the taxable property of said village sufficient to pay the interest on said bonds, and the payment of the principal of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 219L

[House Bill No. 1046.]

AN ACT

To amend an act to increase the salary of clerks in certain townships, passed March 14, 1893 (90 Local Laws of Ohio, 339).

[YOUNGSTOWN TOWNSHIP.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to amend an act to increase the salary of township clerks of certain townships," passed March 14, 1893 (90 L. L., of Ohio, 339), be amended so as to read as follows:

That in any township of the state which had at the federal census of 1900, or at any subsequent federal census may have, a population of not less than 48,000 nor more than 49,000, the township clerk thereof shall receive a compensation of seven hundred and fifty dollars per year, five hundred and fifty dollars of which shall be paid by the board of education of such township and five hundred dollars by the township trustees.

SECTION 2. That said act passed March 14, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 220L

[House Bill No. 642.]

AN ACT

To authorize the board of county commissioners of Hardin county, Ohio, to repay certain sums paid by William McKinley and others for the benefit of the Hardin County Agricultural Society.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Hardin county be and the said board is hereby authorized to cause to be refunded and repaid to William McKinley, H. L. Williams, M. McKinstry, M. J. Robinson, B. P. Eulin, John A. Ewing and William H. Evans, trustees of the Hardin County Agricultural Society, during the year A. D. 1898, the said sum of nine hundred and forty-five dollars and fifty-one cents, so paid by them for and in behalf of said agricultural society, with interest thereon from the 29th day of December, A. D. 1900, and to John M. Fisher for and other trustees of the Hardin County Agricultural Society for the year 1896 the sum of one hundred and forty-seven dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 221L

[Senate Bill No. 307.]

AN ACT

To authorize the county commissioners of Highland county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Highland county are hereby empowered to transfer from the county debt fund of said county, to the

county funds of said county at any time in the year 1902, such amount of money as may have been, or as may be, collected from the levies heretofore made for said funds, as may be in excess of the amount necessary to pay the principal and interest of the funded debt of said county, maturing during the year 1902.

SECTION 2. Said commissioners are hereby empowered to use the funds transferred by section 1 of this act to discharge the warrants and orders now outstanding and endorsed "Not paid for want of funds," and for no other purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 222L

[Senate Bill No. 308.]

AN ACT

Authorizing the commissioners of Stark county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Stark county, Ohio, are hereby authorized to transfer two thousand dollars ($2,000) from the sheep fund to the building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 223L

[Senate Bill No. 238.]

AN ACT

To supplement an act entitled "An act regulating the Commercial Hospital of Cincinnati," (now the Cincinnati Hospital), passed March 11, 1861, 58 v. 151.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The board of trustees, appointed under the provisions of the act to which this is supplementary, are authorized and empowered to make additions to and alterations and improvements in the hospital or branch hospitals in control of said board, to construct new hospitals or branch hospitals, to provide for the equipment thereof, and to acquire by purchase, appropriation proceedings, or otherwise, on behalf

of the city of Cincinnati real estate within and without the limits of said city for hospital and branch hospital purposes.

SECTION 2. Whenever it is necessary, in the opinion of said board to appropriate real estate for the purposes aforesaid, it is hereby authorized to commence and conduct, in the name of such city, proceedings therefor under and according to chapter three, division seven, title twelve, of the Revised Statutes of Ohio, and the acts amendatory and supplementary thereto; and no concurrent action of any board or officer shall be necessary, and all the power with respect to said proceedings that are vested in any other board or officer of said city shall be vested in and may be exercised by said board of hospital trustees.

SECTION 3. Said board of trustees in constructing or reconstructing any building, in whole or in part, or any addition thereto and in the equipment thereof, shall in respect to contracts therefor have the power and be governed in all respects as follows:

First.— To make contracts, employ such superintendents, architects, clerks, laborers and other employes, as they may deem necessary and to fix their compensation; and any of such persons may be removed by a majority of said trustees at any time. No contract which said trustees shall enter into, or modification thereof, shall be valid until assented to at a regular or special meeting, and concurred in by a majority of all the trustees, and such assent entered on the minutes of their proceedings.

Second.— No money shall be expended on account of plans, specifications, drawings, construction, reconstruction or equipment of the hospitals herein provided for, or for any other expense connected therewith, unless first authorized by said trustees, and upon vouchers, signed by their president and secretary, upon the auditor, or other auditing officer, if there be no auditor of such city, to be paid by the treasurer of such city, upon the warrant of the auditor or other auditing officer, if there be no auditor, out of the funds hereinafter provided. Said trustees shall, before entering into any contract for construction or reconstruction cause plans and specifications, detailed drawings and forms of bids to be prepared, and careful estimate of cost to be made; and when adopted by them, they may, in their discretion, cause the plans and drawings to be multiplied and printed, by photographing, lithographing, or other suitable process, and the specifications and forms of bids, contracts and bonds to be prepared, and have the same printed for distribution among the bidders.

Third.— All contracts shall be made in writing, in the name of such city and signed by the president and secretary of said trustees, and by the contractor. Whenever it becomes necessary, in the opinion of said trustees, in the prosecution of said work, to make alterations or modifications in any contract, such alterations or modifications shall only be made by order of the trustees; and such order shall be of no effect until the price to be paid for the work or materials, under such altered or modified contract, has been agreed upon in writing, and signed by the contractor and a majority of said trustees; and no contractor shall be allowed or recover anything for work or materials, caused by any alteration or modification, unless an order is made or agreement signed as aforesaid: nor shall he in any case be allowed or recover more for such work and materials than said agreed price; and if, when the trustees have ordered an alteration or modification of contract, the contractor and the

trustees can not agree upon the price to be paid for work or materials, under such altered or modified contract, they shall submit the matter to arbitration, the trustees choosing one arbitrator and the contractor one, and these two a third; and the award of such arbitrators, or a majority of them, as to the price to be paid, shall be made in writing and entered on the minutes of said trustees, and when so entered shall be binding on both parties.

Fourth.— If a contract, agreement or order, made or authorized by said trustees be found to violate any of the provisions of this act, it shall at once become void and of no effect; and no money shall be paid or recovered for service rendered or material furnished thereunder.

Fifth.— Said trustees shall not enter into any contract for work in the construction of any hospital or branch hospital, or the equipment thereof, without first causing thirty days' notice to be given in one or more newspapers of general circulation in such city, that sealed proposals will be received for doing the work of furnishing the materials, provided that said trustees shall not be required to advertise for bids for making or printing the drawings, specifications and forms of bids, contracts and bonds.

Sixth.—In all cases of competitive bidding, whether in the construction of any hospital or branch hospital, or furnishing equipments therefor, no bids shall be received or considered by said trustees which covers a patented material, process or device, until the person who owns or controls the patent or has a contract for the exclusive use of such patented material, process or device, has entered into a written agreement with the said trustees for the benefit of all bidders, whereby the lowest price shall be fixed at which the owner of such patent, or patented articles will furnish to said trustees, or for which he will furnish to all bidders such patented material, process or device.

Seventh.—All bids shall be enclosed in a sealed envelope and deposited with the secretary of said trustees; and such sealed envelopes shall have endorsed thereon the nature of the same and the name of the bidder; and all bids shall be opened at a regular meeting of the trustees, and at an hour to be indicated in said notice. Each bid shall be accompanied with a bond in a sum to be fixed by said trustees, signed by sufficient sureties, for the acceptance of the contract, if awarded by the trustees; or the bidder may deposit with the trustees, in lieu of such bond, a certified check of deposit, payable to the order of said trustees; or cash equal in amount to the bond as above required; and, in case of refusal by the bidder to whom the award is made to enter into contract according to his bid, within such reasonable time, as the trustees may determine, said bond shall be put in suit, and the amount collected paid into the fund hereinafter provided; or, if a check, or certificate of deposit, or cash is deposited, the amount shall be immediately paid into such fund.

Eighth.—Said trustees shall enter into contract with the lowest and best bidder, upon his giving bond to such city, with sureties as the trustees shall approve, that he will perform the work and furnish the materials in accordance with his contract, and that the sureties agree in advance to such modification and alterations as may be made by said trustees and the contractor, within the limits of the penal sum mentioned in the bond; and on the failure of such bidder, within a reasonable time, to be fixed by the trustees, to enter into bond with the sureties before provided, a contract may be made with the next lowest and best bidder, and so on,

until a contract is effected with a contractor giving bond as aforesaid: provided, that the trustees may let the work in whole or in parts, and may receive bids for labor and material separately, as they may deem best, and may reject any and all bids. Should a contractor fail, from any cause, to complete the work contracted for by him, said trustees shall relet the unfinished part of said work or complete the same by days' work or otherwise, as may be for the best interests of the city in the judgment of said trustees, and shall charge the cost of completion to the contractor.

SECTION 4. Whenever, in the judgment of said hospital trustees, any property, real or personal, in the custody or control of such trustees shall not be required for hospital or branch hospital purposes, said trustees shall have power, after giving thirty days' notice by advertisement in one or more newspapers of general circulation in said city, to sell said property as an entirety or in parts, on sealed proposals to the highest and best bidder therefor, on such terms as such trustees may prescribe. The proceeds of such sales shall be paid to the trustees of the sinking fund of said city and placed to the credit of the sinking fund hereinafter provided for the final redemption of the bonds issued under the provisions of this act.

SECTION 5. To provide a fund with which to pay the cost and expense of the improvements authorized by this act, said board of trustees is hereby authorized and empowered to issue bonds, in the name of the city of Cincinnati and under the corporate seal thereof, in a sum not to exceed five hundred thousand ($500,000) dollars; said bonds shall be made payable in not less than ten years nor more than forty years from the date of their issue, bearing interest not to exceed three and one-half per cent. per annum, payable semi-annually, and shall be signed by the president of said board of trustees, and the mayor of the city of Cincinnati and be attested by the auditor of said city, and shall be secured by the pledge of the faith of said city and by a tax which it shall be the duty of the said board of trustees to levy or cause to be levied annually upon all the taxable property of said city, and to certify or cause to be certified to the county auditor, in an amount sufficient to pay the interest upon said bonds and to provide a sinking fund for the final redemption thereof; said tax shall be in addition to the amount now authorized by law to be levied for municipal purposes. Said bonds shall be known as "Hospital Improvement Bonds," and the proceeds thereof shall be paid out by the treasurer of such city upon warrants drawn by the auditor or other auditing officer of said city, upon the order of said board of trustees.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 224L

[House Bill No. 521.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., p. 517).

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., p. 517), be amended so as to read as follows:

Sec. 1. That for the construction of trunk sewers in cities of the first grade of the first class, the board of legislation thereof be, and they are hereby required to levy, in addition to the taxes now authorized by law, annually, at the same time and in the same manner that other taxes are authorized to be levied, three-tenths of a mill on the dollar of all the property of such cities subject to taxation.

SECTION 2. That the acts of the general assembly severally passed April 21, 1898, and April 16, 1900, each entitled "An act to amend section 1 of an act entitled 'An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class,' passed March 25, 1896 (92 O. L., p. 517)," be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 225L

[Senate Bill No. 294.]

AN ACT

To establish a special school district in Washington township, Franklin county, Ohio, to be composed of a part of Washington township, Franklin county, Ohio, and to provide more satisfactory facilities for the education of pupils in said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district to be known as the Scioto special school district, in Washington township, to-wit: To be formed of what heretofore constituted subdistrict No. 4 in said township, located in Franklin county and bounded and described as follows:

Beginning at the intersection of the center line of the Scioto river with the line between the counties of Delaware and Franklin; thence along the center of said Scioto river in a southerly direction to the

northeast corner of Luther Mitchell's land; thence with said Luther Mitchell's north line in a westerly direction to the center line of the north fork of Indian run; thence with the center line of said run in a southerly direction to the northeast corner of Joseph Thompson's 40 acre tract; thence in a westerly direction with the north lines of said Joseph Thompson's 40 acre tract, Marinda Coffman's land and Henry Coffman's 10 acre tract to the northwest [corner] of said 10 acre tract; thence with the west line of said 10 acre tract in a southerly direction to the south line of survey 2543; thence with the survey line in a westerly direction to the southwest corner of said survey; thence with the west line of said survey No. 2543 in a northerly direction to the northeast corner of the Henry Horch 153.71 acre tract; thence in a westerly direction with the north line of said tract 1000 feet; thence in a northerly direction to the intersection of the center line of the Ashbaugh road with the center line of the Scioto river, Delaware and Union county free turnpike; thence along the center line of said Ashbaugh road in a northerly direction to the north line of survey 3009; thence with said survey line 1,000 feet in a northeasterly direction; thence due north to the line between Delaware and Franklin counties; thence with said county line in an easterly direction to the center of said Scioto river and the beginning.

SECTION 2. Within twenty days after the passage of this act written or printed notice shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting at an hour and place designated in said notices. And then and there in a manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect three members to constitute a board of education, one to serve until the third Monday of April next succeeding his election; one to serve for one year, and one to serve for two years from said Monday of April, and until the election, and qualification of their successors. And on the second Monday of April each year following the first election of the board of education, there shall be elected one member to serve for three years and until his or her successor is elected and qualified.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school district, and said special school district shall be entitled to, and shall receive its proportionate share of the tuition funds, and the funds levied for schoolhouse and contingent expenses now in the hands of the county or township treasuries, or now levied and not yet collected, said proportionate share shall be based upon the enumeration of children of school age for the year 1902.

SECTION 4. The board of education of said special school district shall prescribe the course of study which may include a high school course, and may, when in its opinion it will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund of said special district.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts, except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 30, 1902. 226L

[House Bill No. 747.]

AN ACT

To authorize cities of the second grade of the second class to issue and sell bonds for crematories.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second grade of the second class, the board of city affairs in any such city is authorized to issue and sell the bonds of such city in a sum not exceeding seventy-five thousand ($75,000) dollars for the purpose of providing money to construct a crematory or crematories for the destruction and incineration of the garbage, night soil and offal of such city, and to purchase the necessary real estate, and to construct the road and approaches to such crematory or crematories, and to purchase and procure all machinery, engines, tanks, wagons, vehicles and other paraphernalia of every description necessary to the operation of such crematory or crematories, and to the collection of the matter to be disposed of as aforesaid. Such crematory or crematories and the operation thereof shall be under the control of the board of city affairs of such city. Such crematory or crematories may be located either within or without the corporate limits of the city constructing same under this act.

SECTION 2. The bonds provided for in section 1 hereof shall be entitled "Crematory bonds," and shall run for such a length of time, not exceeding twenty (20) years, and shall bear such rate of interest, not exceeding four (4%) per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs and by the city comptroller and be sealed with said city comptroller's seal of office, and shall be in denominations of one thousand ($1,000) dollars each, shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

SECTION 3. Any city which may issue bonds under this act is authorized annually to levy upon the general tax duplicate of such city a tax not exceeding five-tenths of one mill on each dollar of taxable property, in addition to all other taxes heretofore or hereafter authorized to be levied, for the redemption of such bonds and the payment of interest thereon.

SECTION 4. That any city which may issue bonds and construct and equip a garbage crematory or crematories under this act, is author-

ized to levy a tax on the general tax duplicate of such city not exceeding three-tenths of one mill on each dollar of the taxable property of such city, to provide money to operate such crematory or crematories, and the money arising therefrom shall constitute a separate fund to be called the "Garbage crematory operating fund," and shall be used only for operating such crematory or crematories.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 30, 1902. 227L

[House Bill No. 1049.]

AN ACT

To divide Lawrence township, Tuscarawas county, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Lawrence township, Tuscarawas county, Ohio, be and the same is hereby divided into two election precincts, as follows:

SECTION 2. All of the township of Lawrence, in the county of Tuscarawas, lying in the northern part of said township, comprising the road districts, numbers two (2), three (3) and four (4), shall be and constitute one election precinct, and be designated as North precinct, with the voting place at Bolivar, Ohio.

SECTION 3. All that part of land situated in Lawrence township, Tuscarawas county, not comprised within said precinct North, but all lands located in road districts numbers one (1) and five (5) within said township shall constitute and be known as South precinct, the voting place to be at Zoar, Ohio.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 30, 1902. 228L

[House Bill No. 558.]

AN ACT

To detach certain territory from the incorporated village of Latty, Paulding county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the southwest quarter of and the north half of the southeast quarter of section thirty-six (36), in township number two (2) north, of range number two (2) east, in Paulding county, Ohio,

the same now being within the limits of and a part of the incorporated village of Latty, in said county of Paulding be and the same is hereby detached from said incorporated village, and that the county auditor of Paulding county make all proper transfers and make and deliver to the recorder of said county, to be by him recorded, such plat of the land hereby detached as is necessary to carry into effect the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 229L

[House Bill No. 654.]

AN ACT

To amend and supplement section 1 of an act entitled 'An act relating to the compensation of justices of the peace in Youngstown township, Mahoning county, Ohio, and repeal an act passed April 25, 1898, (O. L. vol. 93, pp. 711 and 712), passed April 13, 1900 (94 O. L., 509.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act relating to the compensation of justices of the peace in Youngstown township, Mahoning county, Ohio, and to repeal an act passed April 25, 1898 (O. L., Vol. 93, pp. 711 and 712)," passed April 13, 1900 (94 O. L., 509), be amended and supplemented to read as follows:

Sec. 1. That in Youngstown township, Mahoning county, Ohio, each justice of the peace for all services rendered by reason of his office shall receive in lieu of all fees a salary of $1,200, and not exceeding $250.00 for office rent and janitor service per annum, payable on order of the trustees out of township fund known as the justices' of the peace fund, in monthly payments, on the approval of their monthly reports, as hereinafter provided, together with such suitable office furniture as the trustees of such township may provide, not exceeding in value $200; the said furniture when so provided to be and remain the property of the said township, and to be turned over by each out-going justice of the peace to his successor in office. He shall also be provided by such trustees with all necessary blanks and stationery, with fuel and light for the office, and with one telephone; the cost and expense of which is to be paid for on order of the trustees out of said justice of the peace fund. The trustees of said township may also provide each justice of the peace with a clerk at a salary of fifty dollars per month, to be paid monthly on order of said trustees out of said justice of the peace fund. The duties of the clerk shall be prescribed by said trustees, in accordance with the provisions of this act, a written statement of which shall be filed in the township treasurer's office and also in each justice of the peace's office. Each clerk before entering upon the discharge of his duties shall

take the oath of office required by law. The clerk, after being duly qualified, is hereby authorized to administer oaths, in accordance with law, in matters pertaining to the business before said justice of the peace courts. Each justice of the peace shall keep his office open and devote his time to the duties thereof from 8 o'clock A. M., until 11:30 o'clock A. M., and from 1 o'clock P. M. until 4:30 P. M. And hereafter there shall be not more than two justices of the peace of the said township. For the purpose of providing the necessary funds to pay said salary and other expenses named, the trustees of said township are hereby authorized and required to levy annually as may be necessary not to exceed ¼ of a mill on the dollar on all taxable property of said township of Youngstown, including the city of Youngstown in said county of Mahoning, and state of Ohio, and when collected as other taxes shall be paid over to said township treasurer and by him credited to the justice of the peace fund. If the fees collected by said justice of the peace, or the treasurer of said township as hereinafter provided, and paid into said "Justice of the peace fund," are not sufficient to pay said justice of the peace salaries and other expenses, as above provided, until such a time as levy and assessment can be made and monthly paid into said fund, said salaries and other expenses may be paid out of the general fund of the township, or said trustees may borrow a sufficient amount of money and place in said "Justice of the peace fund," to pay said salaries and meet such expenses until said levy and assessment has been made, and money has been paid into said "Justice of the peace fund;" at which time said money borrowed or money taken from said general fund is to be returned.

Sec. 1*a*. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said court.

SECTION 3. That said original section 1 of an act entitled "An act relating to the compensation of justices of the peace in Youngstown township, Mahoning county, Ohio," passed April 13, 1900 (94 O. L. 509), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 230L

[House Bill No. 977.]

AN ACT

Authorizing the transfer of funds from the accrued indebtedness fund of the incorporated village of Amelia, Clermont county, Ohio, to the general fund of said village.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Amelia Clermont county, Ohio, be and are hereby authorized to transfer from the accrued indebtedness fund of said village all money or moneys in said

crued indebtedness fund at the time of the passage of this bill to the edit of the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 231L

[House Bill No. 870.]

AN ACT

To reimburse the prosecuting attorney of Ashland county, Ohio.

e it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of Ashland county, Ohio, shall, and e is hereby authorized and required to draw his warrant as such auditor n the treasurer of said Ashland county, Ohio, for the sum of four hunred and eighty-four dollars and 19 cents ($484.19), to be paid out of ie general fund of said county in favor of H. A. Mykrantz to reimburse im for expenditures in paying expert witnesses for services and expenses n the trial of the case of the state of Ohio versus Lamartine Greenewald.

SECTION 2. This act shall take effect and be in force from and after s passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 232L

[House Bill No. 946.]

AN ACT

'o provide for the construction and improvement of boulevards and to issue bonds therefor by boards of park commissioners of cities of the third grade of the first class, and to repeal an act entitled "An act to provide for the issue of park bonds for boulevard purposes in cities of the third grade of the first class," passed March 13, 1902.

[TOLEDO.]

3e *it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That the board of park commissioners of any city of he third grade of the first class shall have power to lay off, construct ınd complete boulevards or parkways for such city to be tributary to, ır to connect, any of the public parks of such city and to acquire the ıecessary lands therefor and to improve the same by providing and plantıng in or along said boulevards or parkways, lawns, trees, shrubbery

and plants for shade and ornamentation and to maintain the same in good condition; and for said purposes to acquire, construct and maintain the necessary materials, buildings, appurtenances and imple...

SECTION 2. That to raise the necessary means for making, carrying on and maintaining said works and improvements, and acquiring lands, property and materials therefor, any such board of park commissioners may from time to time issue and sell the negotiable bonds of such city; provided, however, that there shall not be issued of such bonds by any [such] board in any one year an amount exceeding one hundred thousand dollars, and that the aggregate amount of such bonds that may be so issued by any such board by authority of this act shall not exceed one hundred and seventy-five thousand dollars, and the bonds herein provided for may be issued in addition to any other bonds by law otherwise provided for said purpose.

SECTION 3. That the bonds to be issued by authority of this act shall be designated as boulevard bonds, shall be signed by the president of such board of park commissioners and by the mayor of such city, shall be attested by the auditor of such city, shall have the seal of such city attached thereto, shall bear interest at a rate not exceeding five and one-half per cent. per annum, payable semi-annually, shall be payable at one time or times as such board of park commissioners shall determine, but not exceeding twenty years from their date, shall be of the denomination of five hundred dollars or one thousand dollars, shall be numbered consecutively, and shall pledge the faith and credit of such city for their payment, and the interest coupons to be attached to such bonds representing the several installments of interest, shall be signed by the auditor; provided, that his signature may be printed or lithographed on said coupons; and such bonds, on the request of such board of park commissioners, shall be sold in the manner, and subject to the conditions provided in section 2709 of the Revised Statutes of Ohio.

SECTION 4. That for the purpose of paying the interest on the bonds so issued as the same shall become due and creating a sinking fund for the payment of the principal thereof at maturity, the common council of such city shall levy annually upon all the taxable property, real and personal, in such city, a tax sufficient for such purposes in addition to other taxes authorized by law.

SECTION 5. That an act entitled "An act to provide for the issue of park bonds for boulevard purposes in cities of the third grade of the first class," passed March 13, 1902, be and the same is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902.

233L

[House Bill No. 1051.]

AN ACT

To authorize boards of education of city districts of the second grade of the first class to issue bonds to meet deficiency in funds available for current expenses.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education of city districts of the second grade of the first class be and they are hereby authorized to issue and sell bonds in any sum or sums not exceeding five hundred thousand dollars in the aggregate, to meet any deficiency that may exist in the funds and revenues of such boards of education to pay the current and ordinary expenses, such bonds to be issued and sold in the manner prescribed by law, and a tax is hereby authorized for payment of interest and to create a fund sufficient for payment of principal at maturity.

SECTION 2. This act shall take effect on its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 234L

[House Bill No. 599.]

AN ACT

Authorizing the commissioners of Marion county, Ohio, to levy a tax to purchase fair grounds for the agricultural society of said county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Marion county, Ohio be and they are hereby authorized to levy on the grand duplicate of said county at their June session, for the years 1902, 1903 and 1904, a sum sufficient—not exceeding one-half mill, for each of said years, on the dollar, of the taxable property in said county—for the purchase and improvement of fair grounds of the Marion county agricultural society.

SECTION 2. It shall be the duty of the directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended for the current year for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act; which amount so certified shall by said auditor be placed upon the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SECTION 3. When the collection is made by the treasurer as aforesaid, in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected, to the treasurer of said agricultural society, on his filing with such auditor, an undertaking in double the amount so collected, with good and sufficient surety, to be approved by the auditor, conditioned for the

faithful paying over and accounting for all funds that may come in his hands by virtue of the provisions of this act.

SECTION 4. All grounds and improvements purchased and ma as aforesaid, and all grounds owned by said agricultural society as s whereon to hold their fairs, shall be under the exclusive control and ma agement of the board of directors of said agricultural society; and sh said society be dissolved, or cease to exist, all of said grounds and i provements so owned by such society shall vest in fee in said county Marion.

SECTION 5. This act shall take effect and be in force from and aft its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 235L

[House Bill No. 1000.]

AN ACT

To amend sections 9, 13 and 14 (Bates' R. S. 1545-275, 1545-280, 1545-281) of act entitled "To amend an act entitled 'An act to provide a more effic government for cities having a population of not less than thirty-three th sand and not having more than thirty-four thousand inhabitants,'" as amend April 20th, 1893, 90 Ohio local laws, page 347.

[AKRON AND YOUNGSTOWN.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9, 13 and 14 (Bates' R. S. 1545-275, 154 280, 1545-281), of an act passed April 20th, 1893, entitled "An act amend an act entitled 'An act to provide a more efficient government for cities having a population of not less than thirty-three thousand and no more than thirty-four thousand inhabitants," Ohio Local Laws, vol. 30, page 347, be amended so as to read as follows:

Sec. 9. (1545-275). The police force of the city, the officers, em ployes and property connected therewith telephones and signa sealing of weights and measures and inspection of food shall be un the administration of the board of city commissioners; and all police of cers and night watchmen and other officers necessary to an effective ministration of the powers conferred by this section, shall be appointe by the board of city commissioners under such rules and requirement as to physical and other fitness as the board shall adopt, and after su appointment shall hold their office during good behavior, subject to sus pension or removal at the pleasure of the board for cause entered on the record book. The board of city commissioners may, in case of emergency, upon the application of the mayor, appoint such number special policemen as may be necessary, which appointments shall be re corded, and during their services such special appointees shall pos the powers and perform the duties of regular policemen su officers and patrolmen of the police force shall receive the following sa aries per annum: Chief of police, not less than fifteen hundred dollars per year; captain of police not less than twelve hundred dollars per year

lieutenant of police not less than ten hundred and eighty dollars per year; sergeant of police (if appointed), not less than ten hundred and twenty dollars per year; city detective not less than twelve hundred dollars per year; clerk of Bertillon system, when regularly appointed for that position only, not less than nine hundred dollars per year; prison keeper, not less than seven hundred and eighty dollars per year; all regular patrolmen, wagonmen, patrol drivers, police operators, for the first year not less than seven hundred and eighty dollars per year; for the second year not less than eight hundred and forty dollars per year; and for the third year, and each year thereafter, not less than nine hundred dollars per year. The special appointees herein provided for shall receive for their services pro rata the same compensation as herein provided for patrolmen for the first year. The pay in all cases, except as otherwise provided for, shall be fixed by the city council, and the salaries shall be paid semi-monthly to the persons entitled thereto.

Sec. 13 (1545-280). All contracts involving more than five hundred dollars in amount shall be in writing, signed and executed in the name of the city by the board of city commissioners and approved by the council before they are binding on the city. No contract involving an expenditure to exceed five hundred dollars in amount shall be made without advertising for proposals in accordance with the provisions of this section. When money therefor has been appropriated by the council, the board of city commissioners may enter into such contract; but all such contracts shall be reported to the city clerk. When the corporation makes an improvement or repair, the cost of which will exceed $500, it shall proceed as follows:

(*a*). It shall advertise for bids for a period of two weeks, or if the estimated cost exceed $5,000.00, four weeks, in two daily newspapers of general circulation as hereinafter provided; if either of such newspapers shall refuse to publish such advertisements, the publication thereof in one newspaper shall be deemed sufficient.

(*b*) The bids shall be filed with the board of city commissioners, sealed up by twelve o'clock at noon of the last day as stated in the advertisement.

(*c*) The bids shall be opened at twelve o'clock at noon on the last day for filing the same, by the board of city commissioners and publicly read by the officer opening the same, filed in the office of the board of city commissioners and reported to the council at the next regular meeting thereafter, and copies of all bids shall be kept in a book provided for that purpose.

(*d*) Each bid shall contain the full name of every person interested in the same and shall be accompanied by a sufficient bond of some disinterested person or persons resident of the county, or a certified check on a solvent bank of such city for such an amount and upon such terms as may be prescribed by the board of city commissioners, that if the bid is accepted the contract will be entered into and the performance of it properly secured.

(*e*) If the work bid for embraces both labor and material, they shall be separately stated, with the price therefor.

(*f*) None but the lowest and best responsible bid shall be accepted when such bids are for labor and material separately. But the board of commissioners may, at its discretion, reject all the bids or accept any bid which may be the lowest aggregate cost.

(*g*) The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash provided, however, that the contract price for an improvement for the payment of the cost of which a special assessment is authorized by law, may be paid in installments as the council may determine.

(*h*) If two or more bids are equal for the whole or any part of the work, but are lower than any other, either may be accepted, but in no case shall the work be divided between them.

(*i*) When there is reason to believe that there is a collusion or combination among the bidders or any number of them, the bids of those concerned therein shall be rejected.

(*j*) When it becomes necessary, in the opinion of the board, in the prosecution of any work hereafter ordered, to make alterations or modifications of the specifications or plans of a contract, or to omit from said work any portion of the street or territory originally ordered to be improved, such alteration, modification or omission, may be made by order of the board; provided, such order shall be of no effect until the price to be paid for the work under such altered or modified contract has been agreed upon in writing, and signed by the contractors and some person authorized therewith by the board; and provided further, the total cost of the work, with the addition of the price so agreed upon, shall not exceed the original contract; provided further, that the original contract shall continue in force and no such change shall be of any effect until the same is approved by the council.

(*k*) No contractor shall be allowed anything for extra work caused by any alterations or modifications, unless an order is made, or agreement signed as provided in the preceding subdivision of this section, nor shall he, in any case, be allowed more for such alteration than the price fixed in such agreement.

(*l*) If a contract be made or authorized by the board contrary to any of the foregoing provisions, it shall at once become void and of no effect, and no money shall be paid for services rendered or material furnished under the same.

Sec. 14 (1545-281). All resolutions and ordinances of a general nature, or providing for improvements, and all other advertisements required in such cities, shall be published in two daily papers of general circulation, of opposite politics, and in a newspaper printed in the German language, if there be such paper printed and in general circulation in the corporation; provided, that when the estimated cost of any improvement is less than five hundred dollars ($500.00), it shall not be necessary to publish any resolution or ordinance pertaining to the same; and further provided, that the council of any city affected by the provisions of this act may dispense with the publication in such German newspaper.

SECTION 2. That said original sections 9, 13 and 14 (Bates' R. S. 1545-275, 1545-280, 1545-281), be and the same are hereby repealed, and this act shall take effect and be in force from and after September 1, 1902.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 236L.

[House Bill No. 745.]

AN ACT

To establish and provide for a special school district of territory situated in Butler and Granville townships, Mercer county, Ohio, and to be known as "The Franzer and Uppenkamp special school district."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory comprising a part of Butler and Granville townships, Mercer county, Ohio, and which is bounded and described as follows, to-wit:

Beginning at the center of section two (2), town seven (7), south range two (2) east, Butler township, Mercer county, Ohio; thence west, one-half mile to the section line between sections two and three (2 and 3), said township; thence north forty (40) rods; thence west, one-quarter of a mile; thence south, forty (40) rods; thence west, three-quarters of a mile to the section line between sections three and four (3 and 4), said Butler township; thence south, on and along said section line, one and three-quarters miles to the quarter section line running east and west of the northwest quarter (¼) of section fifteen (15), town seven (7), south range two (2) east, in Granville township, said county; thence east, one-half mile to half section line running north and south of said section fifteen (15); thence south, one-quarter of a mile to the center of said section fifteen (15); thence east, one-half mile to the section line between sections fourteen and fifteen (14 and 15), said Granville township; thence south one-half mile to the southeast corner of said section fifteen (15); thence east, one-half mile to the half section line running north and south of section fourteen (14), town seven (7), south range two (2) east, said Granville township; thence north, one mile and a half to township line between Butler and Granville townships, and the center of section eleven (11), town seven (7), south range two (2) east; thence east, one-quarter of a mile to the quarter section line running north and south of the northeast quarter (¼) of said section eleven (11); thence north, one-half mile to section line between sections two and eleven (2 and 11), Butler township; thence west, one-quarter of a mile to half section line running north and south of section two (2), town seven (7), south range two (2) east; thence north to the place of beginning, be and the same hereby is created, declared, and constituted a special school district.

SECTION 2. If there is no suitable schoolhouse within such boundaries, or if there is one, but it is not suitably located, the board shall designate a site whereon to erect such building, but if there is a suitable schoolhouse within such boundaries properly located, the school shall be held therein.

SECTION 3. If it becomes necessary in said special school district to build a school building, and to equip and maintain the same for school purposes, the same shall be done, as provided by the general laws, now in force, or hereafter enacted.

SECTION 4. The number of directors, their qualification and election, the general organization of said special school district, and levying of taxes to support and maintain said special school district, the employment and pay of teachers, and all things necessary to fully carry out the intent and purpose of this act, shall be under the direction and modes provided in the general laws now in force, or hereafter enacted, governing special school districts.

SECTION 5. Said special school district shall be designated and known as, "The Franzer and Uppenkamp special school district."

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 237L

[House Bill No. 842.]

AN ACT

To change the name of Sloan's special school district No. 1, Toronto, Jefferson county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the name of Sloan's special school district No. 1, Toronto, Jefferson county, be changed to Toronto special school district No. 1.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 238L

[Senate Bill No. 321.]

AN ACT

To authorize the commissioners of Coshocton county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Coshocton county, Ohio, be and they are hereby authorized and empowered to transfer the sum of five thousand dollars ($5,000.00) from the county infirmary fund and the sum of two thousand five hundred dollars ($2,500.00) from the children's home fund to the county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 239L

[Senate Bill No. 270.]

AN ACT

Authorizing the trustees of Spencer township, Allen county, Ohio, to place the Spencerville cemetery, in said township, under the care and control of a board of managers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Spencer township, Allen county, Ohio, be and are hereby authorized to create and maintain a board of managers, consisting of three (3) members, for the control and management of the Spencerville cemetery, located near the village of Spencerville, in said township, county and state.

SECTION 2. That the said board of cemetery managers shall be composed of one of the township trustees, whose term shall expire within one year, and two citizens of Spencerville school district who are not members of the board of township trustees, to be elected for the terms of one and two years respectively, at the next regular election and thereafter one member of the board shall be elected each year for the term of two years.

SECTION 3. That it shall be the duty of said board of cemetery managers, to supervise to the best advantage all work and business pertaining to the proper preservation and maintenance of said cemetery.

SECTION 4. That the Spencer township trustees are hereby authorized to levy a tax, in accordance with the recommendation of said board of cemetery managers, upon all the taxable property in said Spencerville school district, in said township, county and state, not to exceed the sum of two hundred ($200) dollars in any one year, which shall be placed with the present Spencer township cemetery funds to be applied to the improvements and maintenance of the aforesaid cemetery.

SECTION 5. In case of vacancies in the board of said cemetery managers the board of township trustees shall fill the same by appointment until the next regular election.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 240L

[House Bill No. 816.]

AN ACT

To authorize the council of the incorporated village of LaRue, of Marion county, in the state of Ohio, to issue bonds for the purpose of purchasing, erecting, constructing, operating and maintaining an electric light plant for lighting streets, alleys and public places in such village, and supplying light for private use.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of LaRue, of Marion county, in the state of Ohio, be and the same is hereby author-

ized to issue the bonds of such village in any sum not exceeding ten thousand dollars ($10,000.00), for the purpose of purchasing, constructing, erecting, operating and maintaining an electric light plant for lighting the streets, avenues, alleys and public places of such village and furnishing the same to the citizens thereof at such prices as said council may deem proper.

SECTION 2. Such bonds shall be issued by the council of said village in denominations of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), payable at such times not exceeding twenty years from the date of said bonds as the council shall provide; such bonds to draw interest not exceeding six per centum per annum, payable semi-annually, and at such place as said council may determine. Said bonds shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned by the clerk of said village and shall not be sold for less than their par value.

SECTION 3. The council of said village is authorized and required to levy a tax annually in addition to those now authorized by law, on the taxable property of said village, in such amount as will each year be sufficient to pay principal and interest on said bonds as they may become due and payable by the terms thereof.

SECTION 4. Before any such bonds shall be issued and sold the question of the issue and the sale for the purpose herein specified shall be submitted to the qualified electors of such village, at a regular or special election called for the purpose of voting on such question, notice of which election, at least ten days prior to the day of holding the same, shall be given by the clerk of such village, in all the newspapers published and in general circulation in such village. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such village. The ballots, which shall be furnished by the council, shall have written or printed thereon "For the issue of electric light bonds;" "Against the issue of electric light bonds." If a majority of such electors voting on said question vote in favor of the issue of said bonds, then the council of such village shall have authority and proceed to issue and sell said bonds and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902.

241L

[House Bill No. 1021.]

AN ACT

To create the office of deputy auditor, deputy sheriff, and deputy treasurer in and for the county of Athens, and to fix the salaries of said officers and to repeal an act passed March 14, 1902, relative to the same offices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There is hereby created, in and for Athens county, Ohio, the offices of deputy auditor, deputy sheriff, and deputy treasurer, and the salaries of said officers are fixed as follows:

Salary of the deputy auditor shall commence at the end of term of present auditor, and shall be nine hundred ($900) dollars per year, payable in equal monthly installments out of the county treasury; the salary of the deputy treasurer shall commence at the end of the present treasurer's term, and shall be the sum of five hundred ($500) dollars per year, payable in equal monthly installments, from the county treasury; the salary of the deputy sheriff shall commence on the first Monday of January, 1902, and shall be twelve hundred ($1200) dollars per year, payable in equal monthly installments from the county treasury. The auditor, treasurer and sheriff of said county of Athens, shall each have the power to appoint their respective deputies, who shall at all times be under the control and direction of their respective superior officers. Each deputy may be required to give bond for the faithful performance of his duties, and shall be removable from his office at the pleasure of his respective superior officers.

SECTION 2. This act shall take effect and be in force from and after its passage, and an act passed on March 14, 1902, relative to the same subject be, and the same is hereby repealed.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 242L

[House Bill No. 556.]

AN ACT

To authorize the church trustees of Brown chapel (M. E. church) situated in Deerfield township, Ross county, Ohio, to convey by deed a certain graveyard to the township trustees of said Deerfield township of Ross county, Ohio, and to authorize said trustees to accept said deed and to assume control of said graveyard agreeably to the laws of Ohio governing township cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the church trustees of the Methodist Episcopal church, known as Brown Chapel, situated in Deerfield township, Ross county, Ohio, are hereby empowered and authorized to convey to the township trustees of said township by deed the burying ground known as the Brown graveyard.

SECTION 2. The township trustees of said Deerfield township are hereby authorized to accept said deed and to have the same made a matter of record in the proper deed records of the county, and said township trustees are hereby authorized to have said burying grounds laid off in lots and platted and recorded on the books of said Deerfield township cemetery, and said township trustees shall have full control of said burying ground and shall take care of and keep the same clean and free from weeds and brush, and the statutes governing township cemeteries shall apply to the governing of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 243L

[House Bill No. 652.]

AN ACT

To provide for the government of agricultural societies in counties containing cities of the first class, third grade.

[LUCAS COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in counties having a city of the first class, third grade, the agricultural society shall be governed by a "Board of managers," consisting of two members of each township in the county, which board shall be styled "The county agricultural board."

SECTION 2. That at the annual fall election held in such counties for the election of state and county officers, there shall be elected in each township of such counties by the qualified electors thereof two members, one to serve one year and one to serve two years, the person receiving the highest number of votes to serve two years, and that thereafter there shall be elected in each township one member of the agricultural board, who shall hold his office for two years and until his successor is elected and qualified.

SECTION 3. The election of members of the agricultural board shall be governed in all respects by the same laws governing the elections of other township officers and the township clerk shall issue notices of election to such members-elect as required by law for other township officers; each person receiving such notice of election shall, within ten days thereafter, appear before some officer authorized to administer oaths, and take oath to faithfully perform the duties of the office and the officer administering such oath shall issue a certificate of qualification to the officer so qualified.

SECTION 4. That the members so elected and qualified shall annually, on the second Saturday of January at two o'clock P. M., next after their election, meet at the secretary's office on the agricultural ground, or some other place, centrally located in the county, of which meeting due notice shall be given by the secretary of the agricultural society, and there proceed to elect one president, one vice-president, one secretary, one treasurer, such officers to serve one year and until their successors are elected and qualified. The president and vice-president so elected shall be members of the board.

SECTION 5. The agricultural board when so organized shall supersede the incumbent county agricultural board, and shall have all the power and be governed by such laws and regulations as govern county agricultural societies.

SECTION 6. All vacancies occurring in such board shall be filled by appointment by said board until the next annual election, when the same shall be filled in the same manner as in the original election of members thereof.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 244L.

[House Bill No. 765.]

AN ACT

To authorize the commissioners of Guernsey county to abolish the toll gates on the National road within the limits of said county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Guernsey county, Ohio, are hereby authorized to abolish any one or all of the toll gates on so much of the National road as situated within the limits of said county, to-wit: Extending from the terminus of said National road at the boundary line between Belmont and Guernsey counties to the terminus of said National road at the boundary line between the counties of Guernsey and Muskingum.

SECTION 2. If said toll gates shall be abolished and removed then the board of county commissioners of said county of Guernsey shall thereafter keep said National road in good state of repair as a free turnpike and the county commissioners are authorized to employ any and all of the road laws in force in said county for the maintenance and keeping in repair of same. Provided, that when said toll gates are abolished by said commissioners all of the provisions of section 4904 of the Revised Statutes of Ohio regulating the burdens and width of tires shall apply to said National road within said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 245L.

[House Bill No. 772.]

AN ACT

To authorize and require the commissioners, auditor and treasurer of Meigs county, Ohio, to allow and pay for grading and paving four hundred and forty-four feet of a certain public highway in said county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Meigs county, Ohio, be and they are hereby authorized and required to allow the claim of Ed. S.

Grant, or his assigns, to the amount of nine hundred and ninety-nine dollars ($999) with interest from September 30th, 1900. Said claim being for grading and paving with brick four hundred and forty-four lineal feet of a certain public highway located in Sutton township in said county, which highway runs from the village of Syracuse to the village of Racine, both in said county, which grading and paving was completed by the said Ed. S. Grant on or about the 30th day of September, 1900. And upon the allowance of said claim by the said county commissioners the auditor of said county is hereby authorized and directed to draw his warrant in payment thereof to the said Ed. S. Grant, or his assigns, upon the treasurer of said county, who is hereby authorized and directed to pay such warrant.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 246L

[House Bill No. 886.]

AN ACT

To authorize the township trustees of Margaretta township, Erie county, Ohio, to make an additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Margaretta township, Erie county, Ohio, be and are hereby authorized to make an additional tax levy for the purpose of raising an amount not to exceed twenty-five hundred ($2,500) dollars for the purchase and erection of a soldiers' monument in the cemetery in the village of Castalia, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 247L.

[House Bill No. 621.]

AN ACT

Relating to the compensation of the county commissioners of Wood county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Wood county, Ohio, shall each receive a salary of fifteen hundred ($1,500.00) dollars per annum, payable in equal monthly installments of one hundred and twenty-five dollars, out of the county treasury, upon the warrant of the county

auditor; and each county commissioner shall devote his entire time, or so much thereof as shall be necessary to properly discharge the duties of his office; and shall receive nothing in addition to the salary so provided, either directly or indirectly by way of mileage, per diem, expenses paid out, for sitting as a board of equalization or revision, or otherwise; except, when necessary to go out of the county on official business pertaining to their said office, each commissioner shall be entitled to receive in addition to their said salary, their actual traveling expenses while out of the county and no more. Each of said county commissioners shall file with the auditor a written statement of the amount due him as salary, and therein itemize his traveling expenses when out of the county, which, when approved in writing by the probate judge and prosecuting attorney, shall authorize the auditor to issue said warrant for the amount therein stated.

Provided that disability, or failure to perform the regular duties pertaining to the office of county commissioner for two consecutive weeks or more, shall forfeit such commissioner's salary for and during such time, and he shall not be paid out of the county treasury therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 248L

[House Bill No. 857.]

AN ACT

To authorize the village of Shiloh, Richland county, Ohio, to issue municipal improvement bonds in a sum not exceeding two thousand dollars.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village of Shiloh, Richland county, Ohio, be and the same is hereby authorized to issue municipal improvement bonds in a sum not exceeding two thousand dollars, the question of the issuance of said bonds to be first submitted to the qualified electors of said village at the next succeeding regular election held in said village, or at a special election duly held for such purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 249L

[House Bill No. 897.]

AN ACT

To authorize the city of Xenia, Greene county, Ohio, to transfer certain funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Xenia, in the county of Greene, and state of Ohio, be and is hereby authorized to transfer one thousand dollars ($1,000.00) from the bridge fund of said city to the general fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 250L

[House Bill No. 830.]

AN ACT

For the relief of William J Whalen, treasurer of the village of Sherodsville, Carroll county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That William J. Whalen, treasurer of the village of Sherodsville, Carroll county, Ohio, and his bondsmen, be and they are hereby released from all payment of a liability caused by the Connotton Valley bank, in which he had deposited the sum of $953.22, making a general assignment for the benefit of creditors and not being able to pay to its depositors the full amount owing by it to them, or so much of the aforesaid funds as the assignee of said "The ConnottonValley bank" shall fail to pay to said William J. Whalen, on the full and final settlement of said assignment, and they and each of them shall be relieved of any and all liability for said sum.

Provided, however, that the council of the said village of Sherodsville, shall first submit the question of the release of the said William J Whalen and his bondsmen to the qualified electors of said village at any general or special election to be held at the usual place of holding elections in said village.

SECTION 2. Ten days' notice of said election shall be given by posting written notices thereof in at least three public places in said village.

The ballots for said election shall have printed thereon, "Discharge of William J. Whalen and Bondsmen—Yes;" "Discharge of William J. Whalen and Bondsmen—No;" and shall have a place at the left of each proposition for the voter to check the proposition he favors. If it is shown by the poll-book of such election that there are more votes cast in favor of such discharge than there are votes cast against it, then the council of said village of Sherodsville shall have full authority to release and discharge said William J. Whalen and his bondsmen.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 251L

[House Bill No. 792.]

AN ACT

To authorize the commissioners of Scioto county, Ohio, to build a free turnpike and to issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Scioto county, Ohio, be and are hereby authorized to cause to be made as hereinafter provided, a good and substantial free turnpike road, beginning at the village of Lucasville, in the said county, and running to the Chillicothe and Portsmouth turnpike; thence in an easterly direction over the road leading from Lucasville to Blue Run pike.

SECTION 2. Said commissioners are hereby authorized and required to appoint three judicious disinterested freeholders of said county as viewers, and a competent surveyor, who shall, within a reasonable time, to be fixed by said commissioners, proceed to lay out said free turnpike, and return to said commissioners a map and profile for the same, together with a statement of the probable cost thereof, and they shall also in said statement divide said turnpike into sections of not less than one-half mile each.

SECTION 3. Upon the filing with said commissioners of said map, profile and statement, said commissioners shall let the contract for construction of said turnpike to the lowest responsible bidder or bidders, in sections according to said statement returned by the viewers.

SECTION 4. For the purpose of paying for the construction of said turnpike, said commissioners shall issue bonds of the county, payable in such time as said commissioners may determine, but not longer than five years, and shall sell said bonds at not less than their par value, and they shall bear not to exceed six per cent. interest per annum; and said commissioners shall by order entered on their journals make a levy on all the taxable property of the county sufficient to pay said bonds and the interest thereon as they may become due.

SECTION 5. In letting of the contracts for said turnpike, both as to material and construction, said commissioners shall be governed by the provisions of chapter 7, title 7, of the Revised Statutes of Ohio, relating to such contracts.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 2, 1902. 252L.

[House Bill No. 850.]

AN ACT

To provide for the payment to Samuel F. Smith the amount found due him f the collection, arrangement, labeling and placing in boxes all pleadings a other papers on file in the common pleas court of Meigs county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Meigs county, Ohio, be an they are hereby authorized and empowered to pay out of the county fun of said county to Samuel F. Smith the amount found due him for collect ing, arranging, labeling and placing in boxes all pleadings and oth papers on file in the common pleas court of said county to August 6, 190

SECTION 2. That the provisions of section 2702 shall not apply t the provisions of this act.

SECTION 3. This act shall take effect and be in force from and afte its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate

Passed May 6, 1902. 253L

[House Bill No. 787.]

AN ACT

To create an additional sub-school district in Harrison township, Vinton county, Ohio, and to erect a school building and to make an additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an additional sub-school district in Harrison township, Vinton county, Ohio, be and is hereby formed, to be composed of and include the following described territory; All of sections sixteen (16) and twenty-one (21) in said county, the east half of section seventeen (17), southwest quarter of section fifteen (15), and the west half of section twenty-two (22), more fully described as follows: Beginning at the northeast corner of section sixteen, thence south to the half section line of said section, thence east on the half section line of section 15 to center of said section 15. Thence south on the half section line to the south line of section 22, thence west on the section line to the southwest corner of section 21, thence west on the section line to the northwest corner of said section 21, thence west to the half section line, thence north on the half section line to the north line of section 17, thence east on the section line to the northeast corner of section 16 to the place of beginning.

SECTION 2. Said board of education shall levy an additional tax of one and seven-tenths mills each year for two years on the taxable property of said township for the purpose of erecting a school building.

SECTION 3. This act shall take effect and be in force from and after passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 254L

[Senate Bill No. 132.]

AN ACT

To amend section 2, section 3, and section 12 of an act entitled "An act to authorize cities of the second grade of the first class to secure the necessary land, and to borrow money therefor, and for the purpose of building and erecting thereon a city hall, and the furnishing of the same," passed April 19, 1898 (93 O. L., 549).

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2, section 3 and section 12 of an act entitled "An act to authorize cities of the second grade of the first class to secure the necessary land, and to borrow money therefor, and for the purpose of building and erecting thereon a city hall, and the furnishing of the same," passed April 19, 1898 (93 O. L., 549), be and the same is hereby so amended as to read as follows:

Sec. 2. Said board shall be known as the board of city hall commissioners, and they shall receive their necessary expenses in attending to their duties, which shall be paid out of the fund hereinafter created for the purpose of carrying out the provisions of this act. Said board shall serve until the building and furnishing of such city hall is completed, but not to exceed five years and nine months from the date of their appointment; provided, the mayor, with the approval of the council, may remove any of said commissioners for misconduct in office, and the vacancy thereby created shall be filled in the same manner and from the same political party as the original appointment, and all vacancies in the office of commissioner shall be filled in the same manner from the same political party as the original appointment.

Sec. 3. Said commissioners shall select from their number a president, and shall hold regular meetings at such time and places as they may agree upon, and special meetings under such regulations as they may determine, and shall cause to be kept a full record of their proceedings. Said commissioners shall each receive the sum of five dollars per meeting, as compensation, for each and every meeting attended by them from and after the passage of this amending act, but in no case shall such compensation exceed twelve hundred dollars in any one year to any member of said commission.

Sec. 12. To provide a fund to pay the cost and expense of procuring the necessary land as a location for, and the erection, completion and furnishing of such city hall, under the provisions of this act, the council of any such city may and it is hereby authorized to issue and sell the

bonds of such city to an amount not to exceed in the aggregate one million five hundred thousand dollars for procuring such land and erecting, completing and furnishing such city hall. Said bonds shall be issued and made payable at such time or times and shall bear interest at such rate not to exceed four per cent. per annum, payable semi-annually, as the council of such city shall determine; said bonds, except as provided in the foregoing, shall in all respects conform to the requirements of chapter 2 division 9, title 12 of the Revised Statutes of Ohio.

SECTION 2. That said original section 2, section 3 and section 12 be and the same are hereby repealed.

SECTION 3. This act shall take effect on its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 255L

[House Bill No. 844.]

AN ACT

To authorize the trustees of Stokes township, Logan county, Ohio, to pay Smallwood F. Thompson one thousand six hundred and forty dollars and twenty-nine cents ($1,640.29) to reimburse him for loss sustained as surety of Ingle W. Rush, who as treasurer of said township was a defaulter.

WHEREAS, By the defalcation of Ingle W. Rush, treasurer of the board of education of Stokes township, Logan county, Ohio, Smallwood F. Thompson, one of his sureties, sustained a loss of one thousand six hundred and forty dollars and twenty-nine cents ($1,640.29); and

WHEREAS, The said loss was not caused by any negligence or carelessness on the part of said Smallwood F. Thompson; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the said Stokes township, Logan county, Ohio, be and they are hereby authorized to draw their warrant on the township treasurer of Stokes township, Logan county, Ohio, for the sum of one thousand six hundred and forty dollars and twenty-nine cents ($1,640.29), the said sum to be in full of the loss sustained by reason of said defalcation; provided that at a special election to be called by the trustees or at the next general election after the passage of this act, it shall be submitted to the vote of the qualified electors of Stokes township, Logan county, Ohio, at which election there shall be written or printed on the ballot "For the relief of Smallwood F. Thompson. Against the relief of Smallwood F. Thompson." If a majority of the votes cast at such election shall be in favor of the relief of Smallwood F. Thompson then this act shall be in full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 256L

[House Bill No. 532.]

AN ACT

To establish an additional school district in Knox township, Vinton county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an additional school subdistrict be established in Knox township, Vinton county, Ohio, to be composed of and include the following described territory: Beginning at the southwest corner of fraction two (2) in said township; thence north on the township line to the center of said fraction; thence due east to the line between fraction No. 3 and section No. 3; thence north far enough to follow north line of D. Davis' and T. D. Brooks' lands; thence north to the center of the N. E. ¼ of section 3; thence east to Raccoon creek; thence following the meanderings of said Raccoon creek to Radliff mill; thence due south with the road between R. W. Lenter and H. J. Radliff to the Jane Beakley bridge, crossing Raccoon creek; thence following the meanderings of said creek to the line between John Stamert and Ellen Radliff; thence due west on said line to said section 2, also west through center of section 2 to section line between sections 2 and 3; thence north on said line to the S. E. corner of the N. E. ¼ of the N. E. ¼; thence west to the S. W. corner of the N. W. ¼ of the N. E. ¼ of section 8; thence north to the state road, leading from Albany to McArthur; thence west with said road to place of beginning, the S. W. corner of said fraction No. 2.

SECTION 2. That within six months after the passage of this act, the board of education of said township shall erect, or cause to be erected, a suitable school building to be located at some point near the center of said sub-school district.

SECTION 3. Said sub-school district shall be entitled to receive its proportionate share of the funds levied for incidental and contingent expenses in accordance with the enumeration of school youth, and the levies for the year 1902 and for the years thereafter.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 257L

[Senate Bill No. 188.]

AN ACT

To create a board of supervision in the erection simultaneously of public municipal and county buildings.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever any city in the state of Ohio, having a population of more than 380,000, or the county in which the city is

located, contemplates the erection of buildings for public, municipal, or county purposes within the boundaries of such city, such city by its council may request the governor of the state of Ohio to appoint a board of supervision composed of three experts, two at least of whom shall be architects, the members of which board shall receive salaries not exceeding five thousand dollars each per annum, to be fixed by the city authorities prior to making request upon the governor for appointment, and paid by the city requesting such appointment.

SECTION 2. Such board when appointed shall have the supervision and control of the location of all public, municipal or county buildings to be erected upon ground previously acquired within the limits of the city, and shall have control of the size, height, style and general appearance of all such buildings, for the purpose of procuring, in their location and erection, the greatest degree of usefulness, safety and beauty.

SECTION 3. No plans shall be adopted and no work carried on by such city or county, wherein such board shall be appointed, in the erection of such public, municipal or county buildings within the boundaries of such city, until all plans, specifications and locations shall have first been submitted to and approved by such board or a majority thereof.

SECTION 4. Such board shall be appointed for such time as shall be requested by the city, and the governor, at the request of the city, may remove any member of such board and appoint a new member to fill the vacancy thus created, if in his judgment it is wise so to do.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 258L

[House Bill No. 928.]

AN ACT

Authorizing the board of trustees of Crane township, Wyandot county, to pay to Jacob P. Karg, ex-treasurer of said township, the sum of $3,518.17, in reimbursement of the loss by him, as such treasurer sustained by reason of the Central Bank of Upper Sandusky, Wyandot county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be submitted to the electors of the Crane township, Wyandot county, Ohio, at the next general election to be held therein after the passage of this act, the proposition for the reimbursement of the Jacob P. Karg, ex-treasurer of said Crane township, for the amount of $3,518.17 lost by him as treasurer of said Crane township, by reason of the failure of the Central Bank, at Upper Sandusky, Ohio.

SECTION 2. The ballots to be voted at such election shall have printed or written thereon, "For reimbursement, — Yes," and "For reimbursement, — No," and if a majority of all the votes cast at such elec-

tion upon said proposition shall be in favor of such reimbursement, then the said board of township trustees of the said Crane township, in the county of Wyandot, state of Ohio, shall be fully authorized and empowered and required to direct by resolution or otherwise, the clerk of said township to draw a warrant upon the treasurer of said township for the sum of $3,518.17 in favor of the said Jacob P. Karg, to reimburse him for the loss by him as late treasurer of said township sustained by reason of said failure of said Central Bank, and the said treasurer of said Crane township shall upon the presentation of such warrant by the said Jacob P. Karg, or his assigns, pay the sum out of any funds in his hands belonging to said Crane township, not otherwise appropriated. Provided that there shall not be sufficient funds in the treasury of said Crane township, then the said trustees of said township are hereby authorized and required to levy and assess on the taxable property of said township, a sufficient levy for a period not to exceed two years for the payment of the sum so lost by the said Jacob P. Karg, in the failure of the said Central Bank.

SECTION 3. The deputy of state supervisors of election of the said county of Wyandot, shall cause notice of the said proposition to the electors of said Crane township to be given by publication in at least, two newspapers of opposite politics in said township, at least seven days before the date upon which such election is to be held, the costs and expenses of such publication shall be paid by the said Jacob P. Karg.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 259L

[House Bill No. 1016.]

AN ACT

To authorize the board of education of the city of Canton, Stark county, Ohio, a city district of the first class, to issue and sell the bonds of said district, for the purpose of paying off and satisfying the present existing outstanding indebtedness of said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the city of Canton, Ohio, a city district of the first class, is hereby authorized and empowered to issue and sell the bonds of said district, for the purpose of paying off and satisfying all, or any portion, of the present existing outstanding indebtedness of said board. If it shall appear to said board of education to be for the best interests of said district, it shall have the power, and it is hereby authorized to sell, at not less than their par value, at public sale, the negotiable bonds of said district, at a rate of interest not to exceed five per cent. per annum, interest payable semi-annually; provided, however, that the amount of such bonds issued and sold shall not exceed the sum of seventy thousand dollars ($70,000.00).

SECTION 2. Said bonds shall be of the denomination of one thousand dollars ($1,000.00) each, shall be numbered consecutively from one to seventy, inclusive, and shall contain the recital that they are issued under and by authority of this act, shall be designated as funding school bonds, and shall be signed by the president and countersigned by the clerk of said board of education. Said bonds shall be payable at such time or times, not exceeding twenty (20) years from the respective dates thereof, as said board may determine. After said bonds have been sold the proceeds realized from such sale shall be applied to the payment of said existing, outstanding indebtedness of said district, and for no other purpose whatsoever.

SECTION 3. Said bonds shall have interest coupons attached, evidencing the several installments of interest as they become due, which coupons shall be signed by the clerk of said board of education. Said board of education is hereby authorized and empowered to levy, annually, a tax on all taxable property in said district, in addition to the amount otherwise authorized by law, sufficient to pay both interest and principal of said bonds as they severally become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 260L

[Senate Bill No. 306.]

AN ACT

To divide the township of Carlisle, Lorain county, Ohio, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Carlisle, Lorain county, Ohio, be and the same is hereby divided into two (2) election precincts, as follows:

SECTION 2. All that part of the township of Carlisle, in the county of Lorain, Ohio, lying and being east of the easterly line of the right of way of the Cleveland, Lorain and Wheeling Railway company shall be and constitute one election precinct, and be designated as Carlisle township, East precinct.

SECTION 3. All that part of the township of Carlisle not comprised within said east precinct shall be and constitute another election precinct designated as Carlisle township, West precinct.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 261L

[Senate Bill No. 160.]

AN ACT

To amend section 1 of "An act relative to the duties and compensation of certain county officers in Highland county, Ohio." passed January 31, 1900, 94 Ohio Laws, page 412.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of "An act relative to the duties and compensation of certain county officers in Highland county, Ohio," passed January 31, 1900 (Vol. 94, page 412), be amended so as to read as follows:

Sec. 1. That in Highland county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows:

The auditor, eighteen hundred dollars; the treasurer, eighteen hundred dollars; the probate judge, sixteen hundred dollars; the clerk of the court of common pleas, eleven hundred dollars; the sheriff, fifteen hundred dollars; the recorder, one thousand dollars; the prosecuting attorney, one thousand dollars; each county commissioner, seven hundred and fifty dollars; each infirmary director, two hundred dollars; the surveyor, five hundred dollars. And all services rendered by the surveyor under the order of the probate, common pleas or circuit courts of said county, or by the board of county commissioners of said county, are hereby declared to be a part of his official duties, for which he shall receive no further pay than is prescribed in this section.

SECTION 2. That section 1 of said act relative to the duties and compensation of certain county officials in Highland county, Ohio, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 262L

[Senate Bill No. 271.]

AN ACT

To authorize the trustees of La Grange township and the council of the village of La Grange, Lorain county, Ohio, to issue bonds jointly, to erect a soldiers' monument on the public square of said village, and construct a fence and sidewalk around the public park of said village.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of La Grange township, and the council of the village of La Grange, Lorain county, Ohio, be, and they are hereby authorized to issue bonds jointly, not to exceed three thousand ($3,000.00) dollars, payable in not to exceed ten years, with interest not to exceed six per cent. per annum, payable semi-annually, and to sell said bonds and apply the proceeds thereof toward the erection of a soldiers' monument to be erected by the township of La Grange, and

SECTION 2. Said bonds shall be of the denomination of one thousand dollars ($1,000.00) each, shall be numbered consecutively from one to seventy, inclusive, and shall contain the recital that they are issued under and by authority of this act, shall be designated as funding school bonds, and shall be signed by the president and countersigned by the clerk of said board of education. Said bonds shall be payable at such time or times, not exceeding twenty (20) years from the respective dates thereof, as said board may determine. After said bonds have been sold the proceeds realized from such sale shall be applied to the payment of said existing, outstanding indebtedness of said district, and for no other purpose whatsoever.

SECTION 3. Said bonds shall have interest coupons attached, evidencing the several installments of interest as they become due, which coupons shall be signed by the clerk of said board of education. Said board of education is hereby authorized and empowered to levy, annually, a tax on all taxable property in said district, in addition to the amount otherwise authorized by law, sufficient to pay both interest and principal of said bonds as they severally become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 260L

[Senate Bill No. 306.]

AN ACT

To divide the township of Carlisle, Lorain county, Ohio, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Carlisle, Lorain county, Ohio, be and the same is hereby divided into two (2) election precincts, as follows:

SECTION 2. All that part of the township of Carlisle, in the county of Lorain, Ohio, lying and being east of the easterly line of the right of way of the Cleveland, Lorain and Wheeling Railway company shall be and constitute one election precinct, and be designated as Carlisle township, East precinct.

SECTION 3. All that part of the township of Carlisle not comprised within said east precinct shall be and constitute another election precinct designated as Carlisle township, West precinct.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 261L

[Senate Bill No. 160.]

AN ACT

To amend section 1 of "An act relative to the duties and compensation of certain county officers in Highland county, Ohio," passed January 31, 1900, 94 Ohio Laws, page 412.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of "An act relative to the duties and compensation of certain county officers in Highland county, Ohio," passed January 31, 1900 (Vol. 94, page 412), be amended so as to read as follows:

Sec. 1. That in Highland county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows:

The auditor, eighteen hundred dollars; the treasurer, eighteen hundred dollars; the probate judge, sixteen hundred dollars; the clerk of the court of common pleas, eleven hundred dollars; the sheriff, fifteen hundred dollars; the recorder, one thousand dollars; the prosecuting attorney, one thousand dollars; each county commissioner, seven hundred and fifty dollars; each infirmary director, two hundred dollars; the surveyor, five hundred dollars. And all services rendered by the surveyor under the order of the probate, common pleas or circuit courts of said county, or by the board of county commissioners of said county, are hereby declared to be a part of his official duties, for which he shall receive no further pay than is prescribed in this section.

SECTION 2. That section 1 of said act relative to the duties and compensation of certain county officials in Highland county, Ohio, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 262L

[Senate Bill No. 271.]

AN ACT

To authorize the trustees of La Grange township and the council of the village of La Grange, Lorain county, Ohio, to issue bonds jointly, to erect a soldiers' monument on the public square of said village, and construct a fence and sidewalk around the public park of said village.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of La Grange township, and the council of the village of La Grange, Lorain county, Ohio, be, and they are hereby authorized to issue bonds jointly, not to exceed three thousand ($3,000.00) dollars, payable in not to exceed ten years, with interest not to exceed six per cent. per annum, payable semi-annually, and to sell said bonds and apply the proceeds thereof toward the erection of a soldiers' monument to be erected by the township of La Grange, and

the village of La Grange, Lorain county, Ohio, on the public square in said village of La Grange, and the construction of a sidewalk and fence around the public park in said village. And said township trustees and village council are hereby authorized to levy a tax not to exceed four mills on the dollar valuation on the tax duplicate of said township and village to meet the principal and interest on said bonds.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 263L

[Senate Bill No. 305.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds for fire cisterns.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of city affairs of any city of the second grade of the second class shall be and is hereby authorized to issue bonds of such city in an amount not exceeding twelve thousand ($12,000.00) dollars to provide money for the purpose of constructing cisterns in such city to be used by the fire department and to afford protection against fire.

SECTION 2. The bonds provided for in section 1 of this act shall be entitled "Fire department cistern" bonds, shall run for a length of time not exceeding twenty (20) years and shall bear such rate of interest, not exceeding four (4%) per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be in denominations of one thousand ($1,000.00) dollars each and shall be signed by the president of the board of city affairs and the city comptroller of such city, and be sealed with the comptroller's seal of office; such bonds shall bear upon their face a reference to this act and shall be sold in the manner provided by law for the sale of the bonds of municipal corporations.

The authorities of any such city issuing bonds hereunder may annually levy a tax not exceeding two-tenths (2-10) of one mill on each dollar of valuation of the taxable property of such city, to be collected as other taxes, for the purpose of providing a fund to pay the interest and principal or any bonds issued hereunder, and the tax hereby authorized shall be in addition to all other taxes now or hereafter authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 264L

[House Bill No. 1040.]

AN ACT

To amend an act entitled, "An act to divide Green township, of Harrison county, Ohio, into two voting precincts for election purposes."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to divide Green township, of Harrison county, Ohio, into two voting precincts for election purposes, passed March 25, 1902, to be amended so as to read as follows:

Sec. 1. That Green township, of Harrison county, Ohio, be and the same is hereby divided into three election precincts for election purposes, as follows:

Sec. 2. That all of sections numbered four (4), five (5), six (6), ten (10), eleven (11), twelve (12), sixteen (16), seventeen (17), eighteen (18), twenty-two (22), twenty-three (23), twenty-four (24), twenty-eight (28), twenty-nine (29), and thirty (30), of township number nine (9), of range number four (4), in said Green township, shall compose one precinct, and shall be known as Unionvale precinct; and the voting place of all electors residing in said sections shall be at Unionvale, in said township.

Sec. 3. That all of sections numbered one (1), two (2), three (3), four (4), seven (7), eight (8), nine (9), ten (10), thirteen (13), fourteen (14), fifteen (15), and sixteen (16), of township number 10, range four (4), of said Green township, shall compose one voting precinct, and shall be known as Hopedale voting precinct, and the voting place of all electors residing in said sections shall be at Hopedale, in said township.

Sec. 4. That all of sections numbered nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-five (25), twenty-six (26), twenty-seven (27), and twenty-eight (28), of township number ten (10), range number four (4), of said Green township, shall compose one voting precinct, and shall be known as Folk precinct, and the voting place of all electors residing in said sections shall be at Folk, in said township.

SECTION 2. That said original act passed March 25, 1902, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 265L

[House Bill No. 778.]

AN ACT

To create a special school district out of sub-school district No. 1, Wayne township, Muskingum county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is created a special district for school purposes in Wayne township, Muskingum county, Ohio, in the

following described territory, to-wit: Being situate in township twelve (12) range thirteen (13) of the United States military district, in Wayne township, Muskingum county, Ohio, and bounded and described as follows, to-wit: Beginning at the northwest corner of a fractional section four (4) said township and range, said point also being the northwest corner of said Wayne township, and on the east boundary line of the city of Zanesville, and running thence east along the lands of Henry Spinks, Milo Dunn, John Richards and the estate of Charles Fox, deceased, to the east boundary line of the west half of fractional section three (3) in said township and range and running thence south along the east boundary line of the west half of said fractional section three (3) and along the lands of the estate of Charles Fox, deceased and C. M. Corbin to the south boundary line of said fractional section three (3) thence west along the north side of lands of J. A. Deffenbaugh to the northeast corner of the lands of Gottlieb Lutz; thence south along the east boundary line of the lands of Gottlieb Lutz, and through the lands of Michael Fisher to the south boundary line of the northwest quarter of section eight (8) in said township and range; thence west along the said south boundary line of said northwest quarter of said section eight (8) and along the north boundary line of the lands of Patterson Corbin to the northeast corner of the lands of Gottlieb Lutz; thence south along the east boundary line of the lands of Gottlieb Lutz and the estate of C. Holdreith, deceased, to the south boundary line of said section eight (8); thence west along the south boundary line of said section eight (8) and section seven (7) in said township and range and along the south boundary line of the lands of the estate of C. Holdreith, deceased, Jacob Haug, C. T. Willey and W. D. Wallace to the south boundary corner of the lands of the said W. D. Wallace; thence north along the west boundary line of the lands of W. D. Wallace and Mary Carter to the north boundary line of the southwest quarter of section seven (7) in said township and range; thence west along the north boundary line of the southwest quarter of section seven (7) and through the lands of Michael Fisher to the west boundary line of said section seven (7) and the east boundary line of the city of Zanesville; thence north along the west boundary line of section seven (7) and fractional section four (4) in said township and range, and along the east boundary line of the city of Zanesville to the place of beginning, and being the territory included in what is known as subdistrict No. 1 of said Wayne township, Muskingum county, Ohio.

SECTION 2. The board of education for said school district shall consist of three directors and the electors of said special district shall meet at the time provided by law for the election of directors for township boards of education and shall elect three directors, one to serve for one year, one for two years and one for three years, unless this act should not be passed until after the time fixed for the annual election of members of the township board of education, then said electors shall meet within ten days after the passage of this act and elect three members, one to serve until the first annual election for members of school boards after said election, one to serve until the second annual election and one to serve until the third annual election after the passage of this act, and each year thereafter shall elect one member to serve for the period of three years.

SECTION 3. The creation of said special district shall in no way interfere with the school levy for the present school year, and the employ-

ment of teachers by the township school board of education already made shall in no way be affected by this act. But the school levy for the next school year which is made upon the third Monday of April shall be made by the board of education for said special district and the said subdistrict No. 1, of said Wayne township is hereby abolished and a special district created out of said territory.

SECTION 4. The secretary of state shall deposit with the clerk of the board of education of said Wayne township a certified copy of this act and said township board of education shall be controlled thereby.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 266L

[House Bill No. 829.]

AN ACT

To annex additional territory to the Sherodsville village school district, in Carroll county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described additional territory in Monroe township, Carroll county, Ohio, is hereby annexed to the Sherodsville village school district.

All of the north half of section eight (8), in township fifteen (15), of range seven (7), outside of the corporate limits of the village of Sherodsville, except a part of the northeast quarter of said section described as follows: Beginning for boundary at the southeast corner of said quarter; thence north on the line of said quarter section 842-10 perches to a stake; thence north 86¼ degrees west 33 perches to a stake; thence south 85¾ perches to the south boundary line of said quarter section; thence east 32 45-100 perches to the place of beginning, said excepted tract containing 17¼ acres more or less.

SECTION 2. That the following described territory in Orange township, Carroll county, Ohio, is hereby annexed to the Sherodsville village school district: The northeast quarter of section fourteen (14), in township fifteen (15), of range seven (7); the east half of the northwest quarter of section fourteen (14), in township fifteen (15), of range seven (7); the east half of the southwest quarter of section fourteen (14), in township fifteen (15), of range seven (7); all of the southeast quarter of section fourteen (14), in township fifteen (15), of range seven (7), outside of the corporate limits of the village of Sherodsville; the northeast quarter of the northeast quarter of section thirteen (13), in township fifteen (15), of range seven (7); the north half of section seven (7) in township fifteen (15), of range seven (7); the southeast quarter of section seven (7), in township fifteen (15), of range seven (7); and all of the southwest quarter of section eight (8), in township fifteen (15),

of range seven (7), outside of the corporate limits of the village of Sherodsville.

SECTION 3. That the treasurer of Monroe and Orange township school districts, respectively, shall pay to the treasurer of said Sherodsville village school district the relative portions of the levy or levies existing at the time of the passage of this act as said levy or levies come into their hands.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 267L

[House Bill No. 1002.]

AN ACT

To amend an act entitled "An act to authorize the board of education of the Edgerton school district, Williams county, to levy an additional tax," passed April 19, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the act entitled "An act to authorize the board of education of the Edgerton school district, Williams county, Ohio, to levy an additional tax," passed April 19, 1898, be amended so as to read as follows:

SECTION 2. The board of education of the Edgerton school district, Williams county, Ohio, be and they are hereby authorized to levy annually for a period of not more than five (5) years, in addition to that already allowed by law, a tax of not more than two (2) mills on each dollar of the assessed value of the taxable property of said Edgerton school district for the support and maintenance of the public schools thereof.

SECTION 3. Said act passed April 19, 1898, is hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 268L

[House Bill No. 809.]

AN ACT

To authorize the board of education of village school district No. 5, Harrison township, Hamilton county, Ohio, to issue bonds for heating apparatus for public school building.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of village school district No. 5, Harrison township, Hamilton county, Ohio, be and it is hereby

authorized to issue bonds, not exceeding in amount the sum of twenty-five hundred ($2,500.00) dollars, for the purpose of providing a fund to furnish adequate heating apparatus for the public school building under the control of said board of education and located in the village of Harrison, said township, county and state.

SECTION 2. Said bonds shall be of such denomination, not exceeding five hundred dollars ($500.00), as said board by resolution may declare proper. They shall bear a rate of interest not exceeding five per cent. per annum; the principal and interest of the bonds so issued shall be payable at such times, not exceeding ten years from date of issue, and at such place or places as shall, in the opinion of the board, be reasonable and proper; they shall be signed by the president and countersigned by the clerk of the board, and shall be sold, after due advertisement as provided by law, at public or private sale, as may be deemed advisable by the board, to the highest bidder for cash, the finance committee of said board to have the direction of such sale. The proceeds of such bonds, when sold, shall be paid to the treasurer of said board and placed to the credit of an improvement fund, and shall be used for no other purpose than authorized by this act; but any unexpended balance in said fund, after the expiration of one year from the passage of this act, may, by resolution of said board, be transferred to the credit of the contingent fund.

SECTION 3. Said board of education is hereby authorized and required, annually, during each and every year that said bonds shall run or fall due, to levy such additional tax, not exceeding two (2) mills, on the taxable property within said school district No. 5, as shall be adequate to pay the interest and principal of said bonds according to the terms thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 269L

[House Bill No. 381.]

AN ACT

To authorize the board of education of the Kelley's Island special school district in Erie county, Ohio, to levy a special tax for the purpose of paying certain indebtedness incurred by said board for the purpose of completing and [finishing] furnishing schoolhouse in said district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the Kelley's Island special school district of Erie county, Ohio, for the purpose of paying certain indebtedness incurred by the said board for the completion of a schoolhouse built in and for the said school district, be and the same is hereby authorized and empowered to levy a special tax not exceeding nine mills upon each dollar of the taxable property of the said Kelley's Island special school district, and to collect the same in the manner provided by law for the collection of other taxes; said levy of nine mills to be in addition to any

levy now authorized by law which levy may be equally divided among and to cover a term not exceeding five consecutive years, but shall not in the total exceed the said nine mills upon the dollar of the taxable property.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 270L

[House Bill No. 710.]

AN ACT

To create a special school district for Howard, in Knox county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory included in the following description, to-wit: Beginning on the east line of township seven (7), range eleven (11), in Knox county, Ohio, at the northeast corner of the lands of Raphael Durbin, running thence west, along the north line of the lands of Raphael Durbin, the heirs of Simeon Durbin, deceased, and Daniel McGugin, to the southwest corner of the lands of William E. Durbin; thence in a northeasterly direction along the east line of said William E. Durbin's land to the northeast corner thereof; thence west along the north line of the lands of William E. Durbin, Alexander Critchfield, Frances Coleman and W. K. Long, to the northwest corner of a ten-acre tract of land owned by said W. K. Long, formerly owned by John McManis; thence south along the west line of said ten acre tract to the northeast corner of lands owned by Charles Simpson; thence west along the north line of the lands of Charles Simpson and John Simpson to the northwest corner of the lands of John Simpson; thence south along the west line of said Simpson tract to the northeast corner of lands owned by John A. Cassil; thence west along the north line of said John A. Cassil to the northwest corner of said tract; thence south along the west line of said Cassil tract to the southwest corner of said tract, thence east along the south line of said tract of land to the northwest corner of land owned by W. H. Ralston; thence south along the west line of the lands of William H. Ralston and Norman White to the southwest corner of the lands owned by Norman White; thence east to the northwest corner of lands owned by Curtis Tish; thence south along the west line of the lands of Curtis Tish, Milburn Tish, the heirs of Samuel Kemmer, deceased, H. K. White and George C. Lybarger, to the south line of said township seven; thence east along said township line to the southeast corner of the lands of A. D. Welker; thence north along the west line of the lands of John Wilkinson and William Engle to the northwest corner of the lands of said William Engle; thence east along the north line of the lands of William Engle to the southeast corner of the lands of William Humbert; thence north along the east

line of the lands of William Humbert and Moses Humbert to the southwest corner of the lands of Raphael Durbin; thence east along the north line of the lands of John Ralston to the northeast corner thereof; thence north along the west line of the lands of Finley B. Hammond to the northwest corner thereof; thence east along the north line of the lands of said Finley B. Hammond to the east line of said township seven; thence north along the east line of said township, to the place of beginning; be and the same is hereby declared to constitute a special school district, to be known as Howard special school district, of Knox county, Ohio.

SECTION 2. The said special school district shall be entitled to all the school property within such territory, and the title thereto shall be vested in the board of education of said special school district, and said school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for schoolhouse and the incidental expenses, in accordance with the enumeration of 1901, of children who are entitled to attend school in said district, and it shall be the duty of the township treasurer upon the order of the board of education of said special school district to pay said proportionate share of all said school funds which are now or may come into his possession; and that said district shall be governed by such laws as now are or may hereafter be in force relating to special school districts; but such special district shall pay to the township board of education such relative share of any existing deficit, if any there be, as the valuation of the taxable property in said special district bears to the valuation of the taxable property of said township.

SECTION 3. That within twenty days from the passage of this act written or printed notices shall be posted in at least three of the most conspicuous places in the district, signed by at least three resident electors of said district to assemble on the day therein named, which day shall be at least five days [from the day] of the posting of said notices, and at an hour and place therein named then and there to elect a board of education for the said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least two hours and shall not close before 4 o'clock p. m., and shall then and there choose by ballot, three competent and judicious persons, qualified electors thereof to serve as members of the board of education of the special school district, as follows: One to serve until the third Monday of April next succeeding his election, and one to serve for one year, and one to serve for two years from said third Monday in April, and each to serve until the election and qualification of his successor, and thereafter there shall be elected annually by ballot, on the second Monday in April in said district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board of education thereof, for three years from the first Monday succeeding his election and until his successor is elected and qualified. All regular elections after said first election shall be conducted as follows, to-wit: The clerk of the district shall post written or printed notices in three or more of the most conspicuous places of the district, at least six days prior to the day of election, designating the day and the hour of opening and closing the election; and the election shall proceed, and a return thereof be made in the manner provided for elections in village districts, and shall continue at least two hours.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 271L

[House Bill No. 951.]

AN ACT

To establish a special school district at Big Prairie, Holmes county, Ohio, to be composed of a part of Ripley township, Holmes County, and a part of Clinton township, Wayne county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be, and the same is hereby created and declared to be a special school district to be known as the Big Prairie special school district, to-wit: Being the west one-half (½) of section twenty-eight (28) and sections twenty-nine [(29)] and thirty (30) of township eighteen (18), range fourteen (14), Ripley township, Holmes county, Ohio, including the village of Big Prairie, commonly so called but platted and recorded under the name of Canaansville. Also the sections nineteen (19) and twenty (20) and the west one-half (½) of section twenty-one (21) in township eighteen (18), range fourteen (14), also the north one-half (½) of section twenty-four (24), in township eighteen (18) range fifteen (15) Clinton township, Wayne county, Ohio, including the railroad property and station of Custaloga in said territory.

SECTION 2. Within twenty days after the passage of this act, written or printed notice shall be posted in, at least three of the most public places within said territory signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting at an hour and place designated in said notices. And then and there in the manner provided by law for the election of members of boards of education for special school districts, proceed to elect six members to constitute a board of education, two to serve until the third Monday of April next succeeding their election, two to serve for one year and two to serve for two years from said third Monday of April, and until the election and qualification of their successors; and on the second Monday of each year following the first election of the board of education there shall be elected two members to serve for three years and until their successors are elected and qualified.

SECTION 3. All the school property situated within said described territory shall belong to, and be the property of said special school district, and said special school district shall be entitled to, and shall receive its proportionate share of the tuition funds and the funds levied for schoolhouse and contingent expenses now in the hands of the county or township treasurers, or now levied and not yet collected; said proportionate share shall be based upon the enumeration of children of school age for the year 1901.

SECTION 4. The board of education of said special school district shall prescribe the course of study, which may include a high school course, and may, when in its opinion it will be for the best interests of the pupils in said special school district, provide for the conveyance of said pupils to and from school, the cost of such conveyance to be paid out of the contingent fund of said special district.

SECTION 5. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts except as herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 272L

[House Bill No. 935.]

AN ACT

To establish an additional election precinct in Wayne township, Clermont county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be created at Newtonsville, in Wayne township, Clermont county, Ohio, an additional election precinct for said township, which precinct shall be composed of all that part of said township lying south of the following line, beginning at the Brown county, Ohio, line on Moore's Fork creek, thence with said creek to its crossing of a county road on the farm of W. F. Roudebush, known as the Daniel Cramer farm, and to include the residences on said farm and the residences on the farms of William Pickelheimer and Dr. W. S. Anderson; thence with said county road and the survey line of John Harvey No. 3337 to the Goshen township line.

SECTION 2. The trustees of said township of Wayne are hereby authorized and directed to do whatever is necessary, under the laws, to establish said voting precinct.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 273L

[House Bill No. 903.]

AN ACT

To establish a special school district in Jefferson county Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory be and the same is hereby created and declared to be a special school district, to be known as the Bergholz special school district, to-wit: To be formed of what now constitutes the number five sub-school district, located in Springfield township, Jefferson county, Ohio, bounded and described as follows: Beginning in said Springfield township at a point one hundred and sixty rods south of the northeast corner of section five in said township, thence running due south 640 rods along the east line of Springfield township, thence due west 320 rods, thence north 160 rods to the northwest corner of section 3, thence due west 240 rods, thence due north 480 rods, thence due east 560 rods to the point of starting.

SECTION 2. That all school property, including buildings and furniture now located on the territory described in section 1 of this act, shall be a part of and belong to said special school district, subject to and under the control of the board of education of said special school district.

SECTION 3. That on the seventeenth (17) day of May, 1902, the qualified electors residing in and upon the territory designated in section 1 of this act, are hereby authorized to assemble at the schoolhouse now located upon said special school district in Bergholz, Jefferson county, Ohio, and elect by ballot according to law three members for a board of education for said special school district, and of the three members so elected the one for whom the greatest number of ballots shall have been cast shall serve for three years, the one for whom the next highest number of ballots shall have been cast shall serve for two years, and the other one of the three for whom the least number of ballots shall have been cast shall serve for one year; provided, that annually thereafter the election shall be held as provided by law.

SECTION 4. The said members of the board of education so chosen shall be invested with power to employ school-teachers, erect schoolhouses, when necessary, and maintain a common school in said special school district, and to levy taxes for the same, and for the maintenance of the same, under the provisions of the school laws of this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 274L

[House Bill No. 869.]

AN ACT

To repeal an act entitled "An act to allow a certain private road in section 34, in township 13, and range 16, in Hocking county, Ohio, to be worked as a public road," passed March 24, 1901 (Ohio Laws, vol. 88, p. 750).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to allow a certain private road in section 34, in township 13, and range 16 in Hocking county, Ohio, to be worked as a public road," passed March 24, 1891 (Ohio Laws, vol. 88, page 750), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 275L

[House Bill No. 916.]

AN ACT

To authorize the trustees of Clay township in Montgomery county, Ohio, to take charge of, maintain and control a certain road therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Clay township in Montgomery county, Ohio, be, and they are hereby authorized to take charge of, maintain and control as a township special pike, a certain highway known as the Baker road, in said Clay township, commencing at the junction of said Baker road with the township pike between Clay and Perry townships at the southeast corner of the incorporated village of Brookville and extending northward for a distance of two and one-half miles, more or less, to the intersection of said road with the National road.

SECTION 2. When said township trustees shall have taken possession of said Baker road, in obedience to the provisions of section one, the same shall thereafter be held by said trustees, and maintained and kept in repair, by levy of necessary tax upon the taxable property in said Clay township, or otherwise as may be provided by law, and a superintendent is hereby authorized for said highway, under such conditions as may apply to similar officers for other township or special pikes.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 276L

[House Bill No. 737.]

AN ACT

To create a special school district in town two and first entire range in Colerain township, Hamilton county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory shall be and the same is hereby created and declared to constitute a special school district to be known as Groesbeck special school district of Colerain township, Hamilton county, Ohio: Beginning at the southeast corner of section number one (1) of said Colerain township and running thence west on the line between Colerain and Green townships to the southwest corner of section number seven (7), thence north on the west line of section seven and eight to the northwest corner of Mary E. Gosling's land, thence east on her north line to the center of the Cheviot county road, thence northwardly in the center of said road to the half section line of said section eight, thence east on said half section line to the southwest corner of A. McGill's forty-six acre tract, thence north on said McGill's west line to the northwest corner of said tract, thence east on said McGill's north line to the west line of section number two (2), thence north on said section line to the northwest corner of said A. McGill's forty acre tract in said section number two (2), thence east on said McGill's north line and a continuation of said line along Stolting's and Reiner's lands to the center of the Peppin county road, thence northwardly in the center of said road to the north line of section number two (2), thence east on said north line to the township line between Colerain and Springfield townships, thence south on said township line to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds and taxes levied for incidental expenses, according to the enumeration of youth of school age for the year 1901 and shall be governed in all respects by such laws as now are in force or may hereafter be enacted relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 277L

[Senate Bill No. 259.]

AN ACT

To provide a plan for the disbursement of the firemen's pension fund, for firemen in cities of the second grade of the second class.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The persons who from time to time compose the board of fire commissioners of any city of the second grade of the second class

and four members of the fire department of such cities, elected as hereinafter provided, shall constitute and be the trustees for the distribution of the pension fund now existing or hereinafter provided, and shall be called the board of trustees of the firemen's pension fund.

SECTION 2. The four members of said fire department who shall be trustees under this act shall be elected by ballot, by the active members of said department, and candidates for such trusteeships, shall be nominated by a convention to be composed of one delegate from each engine, truck, hose and water-tower company of such department; which convention shall be called by the chief of such department and convened at the headquarters thereof at least one week before any such election. Each active member aforesaid shall be entitled to vote for as many persons as there are trustees to be elected, and such election shall be held between the hours of two and five o'clock in the afternoon on the first Tuesday in January in each and every year, except that the first election under this act shall be held at a time to be fixed by such chief; and the person or persons receiving the highest number of votes shall be deemed elected. Each trustee shall hold his office for four years from the time of his election and until his successor is elected; provided, however, that at the first election held under this act, trustees shall be elected for one, two, three and four years respectively. At such first election the candidate receiving the highest number of votes shall be deemed elected for the four years' term; the one receiving the next highest number, for the three years' term; the one receiving the next highest number, for the two years' term; and the one receiving the next highest number, for the one year term.

The secretary of the firemens' pension fund shall be the clerk of such election, and two judges to be appointed by such convention shall be the judges of such election, and shall canvass the vote and declare the result, and shall issue certificates to the persons elected. In case of a tie, the persons receiving such tie number of votes shall draw lots for the office. No election shall be set aside for want of formality in balloting or in certifying the returns of such election.

SECTION 3. The president of the board of fire commissioners and the chief of the fire department in such cities, shall also be respectively the president and secretary of said board of trustees of the firemen's pension fund. It is hereby made the duty of said secretary to keep a full record of all proceedings of said board of trustees, and all actions taken by it in regard to said pension fund without additional compensation.

SECTION 4. The board of trustees may, in addition provide, for an assessment upon, and collection from each member of said fire department of a sum to be deducted from the monthly pay of each member not exceeding one dollar per month; and the sum so fixed and deducted shall be paid into the city treasury to the credit of the firemens' pension fund. In addition the board of trustees may also provide that all rewards, fees, proceeds of gifts and emoluments that may be paid or given specially to said pension fund on account of extraordinary services by the fire department of such city, or any member thereof, (except when allowed to be retained by such member, or given to endow a medal, or other permanent or competitive reward), and all proceeds from suits for penalties for the violation of any provisions of any statute of this state, or ordinance of said cities with the execution of which the said fire department, or any of its officers or members are now or hereafter may be charged,

or any license or other fees payable under the same, also all witness fees of any nature whatsoever, when the salary of the member of said department is not affected by his absence while serving as such witness, shall be paid to and received by the city treasurer and applied by him to said firemens' pension fund; and the said board of trustees may take by gift, grant, devise, or bequest, any money, real estate or personal property, right of property or other valuable thing, and such money, real estate, personal property, right of property or other valuable thing so obtained shall in like manner be paid to and applied by such city treasurer to said pension fund, and also to the use of such fund by deposit, investment or profit as hereinafter provided or as such board of trustees shall direct. The said board of trustees may impose fines upon any member of the fire department in any such city, by way of discipline or punishment, and collect the same from the pay and salary of such member, and such fines shall be paid to and received by, the city treasurer, and applied by him to said pension fund.

SECTION 5. The treasurer of every such city shall execute a bond with sufficient sureties, to the city for the faithful performance of his duties as the custodian of such pension fund, in like manner as his private official bond as such treasurer is drawn, executed and filed, and in such penal sum as the said board of trustees shall direct.

SECTION 6. The said board of trustees shall have power to direct such pension fund from the treasury of such city, and may invest said fund in the name of the board of trustees of the firemens' pension fund, in interest bearing bonds of the United States, the state of Ohio, any county in this state or of any cities, or of any townships, incorporated village, or other municipal corporation in [the] said state of Ohio. The said board of trustees shall make reports to the council of the condition of said pension fund on the first day of March, of each and every year.

SECTION 7. If any member of the fire department of any such city shall, while in the performance of his duty, become or be found upon examination by the fire department surgeon, or if there be none, then by a physician, ordered by said board of trustees, to be physically or mentally permanently disabled so as to render necessary his retirement from active service in said fire department, such board shall retire such permanently disabled person, if recommended by the fire department surgeon or physician, from all service in said fire department, and the board of trustees of the pension fund shall authorize the payment to such permanently disabled person, monthly from the pension fund the sum of forty ($40.00) dollars.

Provided, however, if such permanently disabled person has been in the service of the fire department twenty-two consecutive years, or twenty-five years, the last fourteen years consecutively, then and in that case the board of trustees of the firemen's pension fund shall authorize the payment to such permanently disabled person, monthly from the pension fund the sum of forty-five ($45.00) dollars.

If any member of said fire department shall, while in the performance of his duty, be killed or die from the effects of any injury thus received or of any disease thus contracted, or if any member of said fire department shall, after five years and under ten years consecutive service thereof or while retired, die from any cause, such member so killed or died from said injuries or disease, or after said term of service or retirement

shall leave a widow, or minor child or children under sixteen years of age, the said board of trustees of the firemens' pension fund shall authorize and direct the payment from said pension fund the following sums monthly, to-wit: To such widow while unmarried, ten dollars, and to the guardian of such minor child or children until they shall respectively reach the age of sixteen years, three dollars each.

If any member of said fire department shall, while in the performance of his duty, be killed or die from the effects of any injury thus received, or of any disease thus contracted, or if any member of said fire department shall, after ten years' consecutive service therein; or while retired, die from any cause, such member so killed or dying from said injuries or disease, or after said term of service or retirement, shall leave a widow or minor child or children under sixteen years of age, or if any deceased member shall leave a dependent mother or father, upon satisfactory proofs that such mother or father was dependent upon said deceased member of the fire department, said board of trustees shall authorize and direct the payment from the said pension fund the following sums monthly, to-wit: To such widow while unmarried, the sum of twenty dollars; to the guardian of such minor child or children, five dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother until she remarries, and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent shall be paid the same sum monthly as provided herein to be paid to a dependent mother; provided, however, that no pension shall be paid to the mother or father of a deceased member who leaves a dependent widow or minor child or children.

But any member who has been in the service of said fire department twenty-five consecutive years, or twenty-five years, the last fourteen years consecutively, who shall, while in the performance of his duty, be killed or die from the effect of any injury thus received, or of any disease thus contracted, or while retired die from any cause, such member so killed or dying from said injury or disease, or after said term of service or retirement, shall leave a widow or minor child or children under sixteen years of age, or a dependent mother or father, the said board of trustees shall authorize and direct the payment from said pension fund of the following sums monthly, to-wit: To such widow while unmarried the sum of twenty-five dollars, to the guardian of such minor child or children seven dollars until each child shall respectively arrive at the age of sixteen years, and if there be no widow or minor child or children then to the dependent mother or father, if there be any such dependent, the sum of twenty dollars.

SECTION 8. In case of partial permanent disability of any member of said fire department caused in, or induced by, the actual performance of the duties of his position as such member, the board of trustees upon an examination of such member, by the fire department surgeon, or if there be none, then by a physician ordered by said board, shall have power to relieve such member from all service in said fire department, and the said board upon such member being so retired shall authorize the payment to such member monthly from said pension fund of a sum not less than fifteen dollars or more than thirty dollars, and further, they may relieve such member from all actual service at fires and have him remain a member of said fire department subject to the rules governing

the same, and may be ordered by the chief of said fire department to ... performance of such light duties as the fire department surgeon or a re... larly authorized physician may certify him qualified to perform, and ... said official head of said fire department shall, out of the general f... of said fire department, fix and pay such additional compensation to ... amount he receives from the pension fund, for the performance of s... light duties as the circumstances and merit of each case (in its discre... may warrant. Such pension and additional compensation so paid to su... partially disabled person mentioned in this act shall be in lieu of ... salary received by such member at the date of his being so relieved fro... active service at fires, and the said city shall not be liable for the pa... ment of any other claim or demand for services hereafter rendered ... such partially permanently disabled member. In case of partial perman... disability of any member of said fire department who has been in ... service of said fire department twenty-two consecutive years, or twenty... five years, the last fourteen years consecutively, under the conditions o... retirement as previously set forth such member so retired shall receiv... from the pension fund of said city the sum of forty ($40.00) dollars ... per month.

SECTION 9. Any member of said fire department after twenty-f... consecutive years' service, or twenty-five years the last fourteen years ... consecutively and who shall have reached the age of fifty-five years, ... said fire department, shall upon written application to said board of tr... tees, at his own option, and without medical examination, be retired fr... all service in said department and upon retirement said board of trustees ... shall authorize the payment to such retired member monthly, from sa... pension fund, as follows, to-wit: To firemen of all grades, including ca... tains, engineers and subordinates, the sum of forty-five dollars; to ... members above the rank of captain the sum of sixty dollars, except th... chief of said fire department, who shall receive eighty dollars. The pen... sion of the dependents of such retired members as above set forth in th... section shall be the same in case of death after retirement as provided ... for dependents of members who die in the service or after retirement ... and who have been in the service of the fire department twenty-five con... secutive years or twenty-five years the last fourteen years consecutively ... and as set forth in section 10 of this act. But the member so retire... without special disability shall always receive the same amount of pe... sion as when he retired. Any member of said fire department aft... twenty-five consecutive years' service or twenty-five years the last fou... teen years consecutively, and who has not reached the age of fifty-f... years in said fire department, shall upon written application to the b... of trustees, and upon examination by the fire department surgeon ... there be none then by a physician, ordered by the said board of trust... and who shall recommend that such member be relieved of all service ... said fire department, shall have power to retire such member from ... service in said fire department, and the said board of trustees upon su... member being so retired shall authorize the payment to such mem... monthly, from the pension fund of a sum not less than twenty dollar... or more than thirty-five dollars.

Any member who may be discharged from said fire department af... having served not less than twenty-two years consecutively sha... placed upon the pension roll at a sum not less than fifteen dollars ... more than thirty dollars monthly, provided such discharge is for any ...

fense than dishonesty, intoxication or a criminal act and in the event of the death of such member from any cause after retirement if he leaves a widow or dependents they shall receive monthly from the pension fund amounts as follows to-wit: To such widow until she remarries fifteen dollars, to the guardian of each minor child or children until they reach the age of sixteen years four dollars.

SECTION 10. The payment of the said pensions shall be by drafts drawn by the order of said board of trustees, signed by the president and countersigned by the secretary. The decision of the board on all applications for relief shall be final and conclusive, and not subject to reviews or reversal except by a majority vote of such board. In no case shall the board depart from the provisions of the preceding sections of this act in authorizing and making the payment of pensions. If at any time there should not be sufficient funds or bonds to the credit of the pension fund to pay each person entitled to the benefits thereof, the full amount per month, as hereinbefore stated, then and in that event an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

SECTION 11. All applications for the benefit of such pension fund shall be made in writing to the board of trustees, whose duty it shall be promptly to hear and determine the same; and in all cases in which said board shall decide to grant relief from said fund, said action shall be by resolution to be approved by a majority of said board, and the secretary of said board shall keep a record of its proceedings.

SECTION 12. This act shall apply to all persons receiving pensions from the firemen's pension fund of such cities, who have been placed on such pension fund under former law or laws.

SECTION 13. No portion of the said pension fund shall, either before or after its order of distribution by said board of trustees to such disabled member of said fire department, or to the widow or guardian of child or children, or to the dependent mother or father of a deceased or retired member of such department, be held, seized, taken, subjugated to, detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceedings whatever issue out of or by any court or magistrate in this state for the payment or satisfaction, in whole or in part of any debt, damages, claim, demand, judgment, fine or amercement of such member, or his said widow, or the guardian of child or children, or of the dependent mother or father of any deceased member; but the said funds shall be sacredly held, kept, secured, promoted and distributed for the purpose of pensioning the persons named in this act and for no other purpose whatever. Provided the said board may expend annually not to exceed fifty dollars from such fund, for the necessary expenses connected therewith.

SECTION 14. Section 2477-63 of the Revised Statutes is amended so as to read as follows: That the county treasurers of counties containing a city of the first or second grade of the first class, shall, semi-annually at the time of their semi-annual statement with the auditors of their respective counties, pay over to the treasurer of such city one-half of the amount to which such city is entitled, under his annual levy, to receive of all the taxes paid into the treasuries of their respective counties by foreign insurance companies on their gross receipts, under

the provisions of section twenty-seven hundred and forty-five of the Revised Statutes, during the half year preceding such semi-annual settlement, and the money so paid over to the city treasurers shall, together with the amount heretofore so paid, constitute a fund for the purposes and objects hereinafter set forth.

SECTION 15. Said original section 2477-63 of the Revised Statutes is hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 7, 1902. 278L

[House Bill No. 1024.]

AN ACT

To enable the board of trustees of the public library of the school district of Cincinnati to receive donations in the interest of said library; to establish branch libraries; and to issue bonds for the purchase of sites therefor and to levy a tax for the payment of interest, provide for a sinking fund and final valuation of said bonds.

WHEREAS, Andrew Carnegie, Esquire, of New York City, has offered to give the board of trustees of the public library of the school district of Cincinnati, the sum of one hundred and eighty thousand dollars for the erection of branch libraries in said city on condition that the sites therefor be provided by the said board and that the sum of eighteen thousand dollars annually be applied to their support; and

WHEREAS, It is essential to the interests of said public library that said offer be accepted; and

WHEREAS, The said board under its powers is able to support said branch libraries as required by the conditions of said offer, but immediate legislation is necessary to authorize the acceptance of said offer, and to enable the said board to obtain the means with which to provide the sites for and equip said branch libraries; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the public library of the school district of Cincinnati be and it is hereby authorized to receive and accept the said donation of Andrew Carnegie upon the terms and conditions therein expressed, the branch libraries constructed under the provisions of said donation to be by said library trustees and their successors equipped, furnished and maintained, and forever kept open for the free use of the public.

SECTION 2. That for the purpose of providing the sites and furnishing the equipment necessary for said branch libraries the said board of trustees is hereby authorized and empowered to borrow as a fund therefor such sum as be necessary, not exceeding one hundred and eighty

housand dollars, and to issue registered or coupon bonds therefor, which hall be known and designated as "The Public Library bonds of the chool district of Cincinnati," and shall be issued in such sums and be nade payable at such times and places as shall be deemed best by said oard. Said bonds shall be signed by the president and secretary of aid board and a record kept thereof. They shall bear a rate of interest ot exceeding three and one-half per centum per annum, and shall not e sold for less than par, nor until after four successive weekly adver-isements in two newspapers published and of general circulation in said city. For the purpose of paying the interest and providing a sinking fund for the final redemption of said bonds, the said board of trustees shall levy annually a tax upon the taxable property of said school district sufficient in amount to pay the said interest upon said bonds, and to provide a sinking fund for their final redemption. The said tax shall be certified annually by said trustees to the auditor of the county in which said school district is situate, and shall be by him placed upon the tax duplicate of said district in addition to all other taxes allowed by law, and said tax shall be levied, assessed and collected as other taxes. The proceeds of said tax, when collected, shall be credited to the said library trustees as trustees of the sinking fund for the payment of the said bonds and interest. Said trustees shall pay therefrom the said annual interest upon said bonds, and the portion assessed and collected for the sinking fund shall be invested by them in bonds of the United States, state of Ohio, or the city of Cincinnati, and from the proceeds of said investment they shall pay the said bonds at maturity.

SECTION 3. Said library trustees shall have power to purchase or lease and to hold land necessary for suitable sites on which to erect said branch libraries, and shall use said fund in the payment therefor, and in suitably equipping said libraries for use. It shall require the affirmative vote of not less than two-thirds of the members of said board to purchase or lease any such land or to make any contracts concerning the erection of such branch libraries. Purchases made may be for cash or on time, and if on time, said board may issue its obligations for the deferred payments and secure the same by mortgage upon the land purchased. Said trustees shall have power and they are hereby authorized to make all necessary contracts for the construction, furnishing and equipping of such branch libraries. The title to the land acquired under this act shall be taken in the name of "The trustees of the Public Library of the school district of Cincinnati," and shall be held by them in trust for public library purposes, and said trustees shall have the care, custody, management, and control of all property provided for public library purposes under this act.

SECTION 4. All property, real and personal, vested in such library board or used for library purposes, shall be exempt from taxation, and from sale on execution, or any writ or order in the nature of an execution.

SECTION 5. Said trustees shall have the right to receive and accept donations of land, money, or other thing of value, and to invest, use, or dispose of the same in the interest of the library.

SECTION 6. The said library trustees, and their successors shall be the trustees of said fund so as aforesaid raised and provided, and shall have the control and disbursement of the same. They may maintain and defend suits, appoint, employ, and pay officers and agents. No contract shall be made for any part of the construction of said library build-

ings, or for any work to be done in connection therewith, which shall involve the expenditure of more than five hundred dollars, save upon public advertisement for not less than thirty days in two newspapers printed and of general circulation in said city, inviting proposals therefor. Said trustees shall have power to take such security from an officer, agent, or contractor chosen, appointed, or employed by them as they shall deem advisable. They shall not become surety for an officer, agent or contractor, or be interested directly or indirectly in any contract concerning said library.

SECTION 7. The said trustees shall choose from their number a president, vice-president, secretary and treasurer, and may select a depository within said city which shall be a national bank or trust company organized under the laws of this state in which to deposit any funds coming into the hands of said treasurer, and they may make contracts for the safe keeping of said funds and the payment of interest thereon.

SECTION 8. This act shall take effect from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 279L

[House Bill No. 709.]

AN ACT

To create a special school district for Amity, in Knox county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory included in the following description, to-wit: Beginning on the east line of township eight (8), range twelve (12), in Knox county, Ohio, at the northeast corner of the lands of Elizabeth Reed, running thence west, along the north line of the lands of Elizabeth Reed, N. Cain, W. C. Cooper, J. Hively, R. C. Loney, Charlotte Grice and Noah Ernest, to the northwest corner of the lands of said Noah Ernest; thence south along the west line of the lands of Noah Ernest, John Nichols, and the heirs of Michael McGinley, deceased, to the southwest corner of the lands of the heirs of said Michael McGinley, deceased; thence west, along the north line of the lands of Ziba Leonard and W. W. Walkey, to the northwest corner of the lands of said W. W. Walkey; thence south along the west line of the lands of the said W. W. Walkey, G. W. Scoles, C. Doup, S. Doup, Stella Braddock, and Esther Roop, to the southwest corner of the lands of said Esther Roop, in the township of Monroe, in said county; thence east along the south line of the lands of Esther Meyers, S. Doup, A. J. Underhill, John Kunkle, Mrs. H. Fletcher, Joseph S. Dowds and Lucretia G. Fletcher, to the east line of said Monroe township; thence south along said township line, to the southwest corner of the lands of Isaac Hoovler in Howard township, Knox county; thence east along the south line of the lands of said Isaac Hoovler, to the southeast corner of the lands of said Isaac Hoovler;

thence north, along the east line of the lands of Isaac Hoovler and William Hart, to the south line of Brown township in said Knox county; thence east along the said south line of Brown township, and along the south line of the lands of John Kunkle, Jennie Grubb and Jonathan A. Colopy, to the southeast corner of the lands of said Jonathan A. Colopy; thence along the east line of the lands of Jonathan A. Colopy and James E. Colopy and Nathan Simmons, to the northeast corner of the lands of said Nathan Simmons; thence west along the north line of the lands of Nathan Simmons, to the southwest corner of the lands of J. White; thence north along the west line of the lands of J. White and Mrs. J. Donough, to the northwest corner of the lands of Mrs. J. Donough; thence west along the north line of the lands of John M. Motz to the southeast corner of the lands of J. J. Reed; thence north along the east line of the lands of said J. J. Reed, to the northeast corner of the lands of said J. J. Reed; thence west, along the north line of the lands of said J. J. Reed, to the northwest corner of the lands of said J. J. Reed; thence south along the west line of the lands of said J. J. Reed to the southwest corner of the lands of said J. J. Reed; thence west along the south line of the lands of Daniel Reed to the west line of said Brown township; thence north along the said township line to the place of beginning, be and the same is hereby created and declared to constitute a special school district, to be known as Amity special school district of Knox county, Ohio.

SECTION 2. The said special school district shall be entitled to all the school property within such territory and the title thereto shall be vested in the board of education of said special school district, and said school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for schoolhouse and the incidental expenses, in accordance with the enumeration of 1901, of children who are entitled to attend school in said district, and it shall be the duty of the township treasurers of the said townships of Pike, Monroe, Howard and Brown of Knox county, Ohio, upon the order of the board of education of said special school district, to pay said proportionate share of all said school funds which are now or may come into their possession; and said district shall be governed by such laws as now are or may hereafter be in force relating to special school districts, but said special district shall pay to the township boards of education of the said townships such relative share of any existing deficit, if any there be, as the value of the taxable property in said special school district and within the bounds of said township, shall bear to the valuation of the taxable property of said township.

SECTION 3. That to enable the board of education of said Amity special school district to purchase a site within said special school district, and to erect and provide with proper furnishings a school building suitable to accommodate all the pupils of said special school district, said board of education may borrow a sum not exceeding twenty-five hundred ($2,500) dollars and issue bonds therefor, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; the bonds shall be in such sums and payable at such periods, not exceeding five years, from date of issue, as the board may determine; the bonds shall be numbered consecutively, made payable to the bearer, bear date the day of sale and be signed by the board of education officially; the clerk of the board shall keep a record of the number, date, amount and the rate of interest of each bond sold, the sum for which, and the name

[House Bill No. 967.]

AN ACT

To amend an act passed March 27th, 1902, providing for the abandonment of the normal school of Wadsworth township, Medina county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be submitted to the electors of Wadsworth township, Medina county, Ohio, at the time of holding the first election for the election of township officers, after the passage of this act, the proposition to abandon the Wadsworth normal school and discontinue the board of managers of the Wadsworth normal school. Sufficient time before this election the trustees shall notify the deputy state supervisors of elections, who shall provide suitable ballots, to carry out the provisions of this act, and such elections shall be conducted in the same manner as for the election of township officers.

SECTION 2. If the majority of the votes cast as such election upon the submitted proposition shall be in favor of the abandonment of the Wadsworth normal school, then the title to the property known as the normal school property shall vest in the trustees of Wadsworth township, Medina county, Ohio, of which they shall have exclusive control, and have power to dispose of the same, or otherwise use it as they deem to be for the best interests of Wadsworth township, and the board known as the Wadsworth normal school managers, shall cease to exist.

SECTION 3. In case any part or the whole of this property should be sold, the money derived from such sale shall be first applied to the paying off of the outstanding normal school bonds with their accrued interest. Any balance remaining at any time shall be paid into the school funds of Wadsworth special school district and Wadsworth township school district pro rata to the amounts paid into the normal school fund by each of these school districts.

SECTION 4. In case no part of the normal school property is sold or not enough to pay off the outstanding bonds, nothing in this act shall prevent nor release the township trustees from carrying out the provisions for paying such normal school bonds with the interest thereon, as may remain unpaid, as provided for the issuing and paying such bonds, in an act passed April 14, 1884 (Session Laws Vol. 81, page 369).

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 283L

[House Bill No. 1095.]

AN ACT

To authorize the police commissioners of the city of Cincinnati to pay to David Calvin Crim his salary as sergeant of detectives.

WHEREAS, David Calvin Crim, sergeant of detectives in the police department of the city of Cincinnati was on October 21st, 1901, seriously wounded by a criminal whom he was attempting to arrest; and

WHEREAS, Such injury was received while in the discharge of his official duty, and resulted in incapacitating him from any service in the police department for a period of six months; and,

WHEREAS, The police commissioners of the city of Cincinnati are prohibited by the provisions of section 1902 of the Revised Statutes from paying said Crim his salary during such disability for a longer period than three months; and,

WHEREAS, The said Crim returned to his duties on April 21st, 1902, and has received no salary for the three months beginning January 21st, and ending April 21st, 1902, now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the police commissioners of the city of Cincinnati are hereby authorized and directed to pay to the said David Calvin Crim, out of any funds under their control and not otherwise appropriated, the sum of $400.00, the same being the amount of his salary for the three months beginning January 21st, and ending April 21st, 1902, at $133.33 1-3 per month.

SECTION 2. Upon the order of the police commissioners of the city of Cincinnati the auditor of said city is hereby authorized and directed to issue his warrant and the treasurer of said city is hereby authorized and directed to pay said warrant in favor of said David Calvin Crim out of any funds under control of the said police commissioners and not otherwise appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 284L

[House Bill No. 912.]

AN ACT

To authorize the sheriffs of Mahoning and Stark counties, Ohio, to appoint a turnkey.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The sheriff of Mahoning county, Ohio, and the sheriff of Stark county, Ohio, may each appoint a turnkey for the county jail of his said respective county, whenever in his opinion the same shall be necessary, which appointment shall be in writing and shall be approved by the judge of the court of common pleas of the county in which said appointment is made, and shall be filed with the county commissioners of the county in which said appointment is made. The person so appointed shall receive such compensation as the sheriff making such appointment may determine, not exceeding three dollars ($3.00) per day, which shall be certified at the time of appointment by the said sheriff to the county commissioners of the county in which said appointment is made, who shall thereafter pay the same monthly out of any county fund applicable for that purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 285L

[House Bill No. 1039.]

AN ACT

To authorize the township trustees of Goshen township, Auglaize county, to make a special levy for certain purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Goshen township, Auglaize county, Ohio, be authorized to make a special levy of two mills on the taxable property of said township to provide funds for the purchase of a site and the erection of a township house, or the purchase of a property suitable for a township house already erected.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 286L

[House Bill No. 843.]

AN ACT

To amend an act entitled "An act to amend an act passed April 13, 1894, entitled 'An act to provide an official stenographer for the counties of Jefferson and Harrison, in the third subdivision of the eighth judicial district, passed April 14, 1900 (O. L. 94, pp. 606, 607 and 608).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to amend an act passed April 13, 1894, entitled 'An act to provide an official stenographer for the counties of Jefferson and Harrison, in the third subdivision of the eighth judicial district, passed April 14, 1900 (O. L., v. 94, pp. 606, 607 and 608), be amended so as to read as follows:

Sec. 1. That the resident judge of the court of common pleas of the third subdivision of the eighth judicial district of Ohio, in the county of Jefferson, or if there be no such resident judge, then the common pleas judge of such subdivision holding court therein, shall immediately upon the passage of this act, appoint for such county an official steno-

rapher, who shall be a resident of the county, and who shall have his office in the court house of said county, which said office and the necessary stationery for use of said stenographer shall be furnished by the county commissioners of the county. Said stenographer shall not, during the term of his said office, as provided for in the next section, be the partner, clerk or student of any attorney residing or practicing in said county.

Sec. 2. That said stenographer shall hold his office for the term of three years from and after the date of his appointment, and until his successor shall be appointed and qualified, unless sooner removed by the court for neglect of duty or misconduct or incompetency. Such official stenographer shall, before entering upon the duties of his office, take an oath that he will faithfully perform the duties of the same. He shall receive a salary of eight hundred dollars per annum, payable quarterly out of the treasury of the county, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county to issue orders on the county treasurer for the payment of said salary out of the general county fund, upon the presentation to him of a certified copy of the journal entry of the appointment of said stenographer.

Sec. 3. It shall be the duty of such stenographer, whenever requested by the parties litigant or the court, to make, or cause to be made, accurate stenographic notes of the testimony of witnesses, the charge of the court to the jury, all opinions rendered, and all such other proceedings as the court or the parties may request or direct in all cases actually tried or heard in either of said courts; and the shorthand notes shall be the property of the county, and be preserved in the office of such stenographer; provided that said stenographer shall always give preference to the common pleas court when in session over either the circuit or probate court unless he shall be excused from so doing by the common pleas judge then holding said session. It shall be the duty of such stenographer to make, or cause to be made, upon the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in the case, or such portions thereof as may be requested, to be paid for forthwith by the party or parties ordering the same, except when ordered by the court by an entry upon the journal, in which event they shall be paid for out of the county treasury; and the cost of said transcript, if used upon appeal or error, to be taxed in the costs and adjudged as the court in which they may be used shall direct; but no transcript of said notes into longhand shall be paid for out of the county treasury in any case, unless the same shall be ordered by journal entry of the court, or judge or judges trying the case, for use of the court or judge or judges; or in criminal cases by the written direction of the prosecuting attorney. All such transcripts so ordered by the court or judge or judges, or by the prosecuting attorney in criminal cases, shall be paid out of the county treasury in which such case is tried, and the clerk of the court shall certify the amount of such transcript, which certificate shall be sufficient voucher to the auditor of the county upon which he shall draw his warrant upon the county treasury, and when so paid such fees shall be taxed and paid as other costs in the case. Such stenographer shall also make from the dictation of the court when requested to do so, such shorthand notes and transcribe the same as may be requested in preparing opinions, and in charges to juries, without extra charge or compensation therefor.

Sec. 4. Said stenographer shall receive for making such transcript of said notes into longhand, for which he is entitled to charge as set forth in section 3, or in preparing bills of exceptions embodying such transcripts of testimony, in addition to the salary provided in section 2 of this act, eight cents for each hundred words included in such transcripts or bills of exceptions, and when more than one such transcript is ordered at a time, to be made from the same shorthand notes, the fees for making such additional transcript or such portion thereof as may be required, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner, and the cost of such transcript or copies of the same shall be taxed as other costs in the case. And in every case reported in said courts there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county where received.

SECTION 5. This act shall take effect and be in force from and after its passage, and any other act or acts now in force, affecting or referring to the official stenographer of Jefferson county, is hereby repealed, so far as it refers to or affects said official stenographer.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 287L

[House Bill No. 1017.]

AN ACT

To authorize the board of education of the city of Canton, Stark county, Ohio, a city district of the first class, to issue and sell the bonds of said district, for the purpose of extending the time of payment of its indebtedness as it falls due, which, from its limit of taxation, such board of education is unable to pay at maturity.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the city of Canton, Stark county, Ohio, a city district of the first class, for the purpose of extending the time of payment of any of its indebtedness, which, from its limit of taxation, such board of education is unable to pay at maturity, or, when it shall appear to said board of education for the best interests of said district, shall have power to issue and sell the bonds of said district, or borrow money, so as to change but not to increase the indebtedness of said board, for such length of time and in such amounts and at such rate of interest as said board of education may deem proper, not to exceed six per cent. per annum, payable annually or semi-annually; provided, however, that no indebtedness of said district shall be funded, refunded or extended, unless such indebtedness shall first be determined to be an existing, valid and binding obligation of said school district by a formal resolution of said board of education, which resolution shall so

state the amount of the existing indebtedness to be funded, refunded or extended, the aggregate amount of bonds to be issued therefor, their number and denomination, the date of their maturity, the rate of interest they shall bear, and the place of payment of principal and interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 288L

[Senate Bill No. 314.]

AN ACT

To provide for the purchase of a site and the erection thereon of a new county jail, and to provide for furnishing, heating, lighting, ventilating and for sewerage of the same, in any county in the state of Ohio, which at the last federal census of 1900 had, or which at any subsequent census may have, a population of not less than 27,750 nor more than 27,900, and to authorize the county commissioners to issue and sell bonds to pay for the same, and to levy a tax to pay said bonds and the interest thereon as the same become due.

[KNOX COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county in the state having at the last federal census of 1900, or which at any subsequent federal census shall have, a population of not less than twenty-seven thousand seven hundred and fifty, and not exceeding twenty-seven thousand and nine hundred, the commissioners be and they are hereby authorized to purchase a site for, and erect thereon, a new county jail, and to provide for furnishing, heating, lighting, ventilating and for sewage of the same at a cost of not to exceed fifty thousand dollars.

SECTION 2. To carry out the provisions of this act, said commissioners are hereby authorized, by taxation upon the property in any such county subject to taxation, to raise the amount of money necessary for that purpose, not exceeding the sum of money above named. And in anticipation of the collection of such taxes said commissioners shall have power to issue the bonds of said county with interest coupons attached thereto, interest payable semi-annually, in sums of not less than five hundred dollars, principal and interest payable at the office of the treasurer of such county, or at such other place as may be designated in the bonds; said bonds to be due and payable at such times as such commissioners may in their discretion deem for the best interest of such county; provided, that none of said bonds shall be due and payable at a longer period than fifteen years from their date; and provided further, that the aggregate of the principal of said bonds to be issued under this act shall not exceed the sum of fifty thousand dollars; said bonds to bear a rate of interest not exceeding five per centum per annum, and to be sold for not less than their par value and accrued interest.

SECTION 3. Said bonds shall be numbered consecutively and signed by said county commissioners and countersigned by the county auditor,

who shall keep and preserve a record of the bonds so issued in his office, and said bonds shall be made negotiable.

SECTION 4. The commissioners of any such county shall, annually hereafter, at their June session, levy such an amount of taxes upon the tax duplicate of any such county as shall be necessary to pay the accruing interest upon said bonds, and such part of the principal thereof as falls due each year until said indebtedness is fully discharged. Said commissioners are hereby authorized and empowered to purchase any of said bonds at an earlier period than their maturity, provided a surplus fund may be on hand applicable to that purpose.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 289L

[House Bill No. 601.]

AN ACT

To fix and determine the compensation of commissioners, acting under the act of February 13, 1902, entitled an act to amend "An act to regulate and improve the civil service in certain departments within cities of the first grade of the second class," passed April 14, 1900.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Each commissioner provided for in this act passed April 14, 1900, entitled "An act to regulate and improve the civil service in certain departments within cities of the first grade of the second class," as said act was amended February 13, 1902, shall receive for each year commencing on and after the passage of this act the sum of five dollars ($5.00) per day for each day's actual service as such commissioner, not to exceed the total sum of seven hundred and fifty dollars ($750.00) each in any year.

SECTION 2. So much of said act of February 13, 1902, as above entitled and described as is inconsistent herewith, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902. 290L

[Senate Bill No. 288.]

AN ACT

To authorize the trustees of Stokes township, Madison county, Ohio to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Stokes township, Madison county, Ohio, be and they are hereby authorized to transfer sixteen hundred and twenty-five ($1,625.00) dollars, from the bond fund of said township, as follows: To the road fund, six hundred and fifty ($650.00) dollars; to the cemetery fund, one hundred and fifty ($150.00) dollars; to the bridge fund, one hundred ($100.00) dollars; to the poor fund, two hundred ($200.00) dollars, and to the general fund, five hundred and twenty-five ($525.00) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 291L

[House Bill No. 1054.]

AN ACT

Relative to the duties and compensation of the clerk of courts of Coshocton county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Coshocton county, Ohio, the compensation of the clerk of courts hereafter elected, shall be by annual salary exclusively, and he shall receive for his duties in full compensation as clerk of the court of common pleas and the circuit court, the sum of thirteen hundred ($1,300.00) dollars per year, payable quarterly, out of the treasury upon the warrant of the county auditor upon his producing a statement of account therefor approved in writing by the prosecuting attorney of the county.

SECTION 2. That all fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of his official duties as such clerk of the court, when collected shall be for the sole use of the county, and the total receipts thereof each calendar month shall be paid by him to the county treasurer at the close of business on the last business day of each month, to be duly receipted and accounted for by the treasurer. And said clerk shall keep full and accurate account in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month, and the amount due and unpaid, and also the name of each person or party liable for any part of

such as are due and unpaid, and the amount due from each, provided that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment, excepting habeas corpus and divorce cases.

SECTION 3. That said clerk shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office and shall, when authorized by law, collect the same before or at the time they are earned.

SECTION 4. Said clerk, in addition to his salary, shall be allowed one deputy who shall receive a stated salary not to exceed five hundred dollars ($500.00) a year, payable monthly out of the county treasury upon warrant drawn by the county auditor upon presenting therefor a statement of account duly approved by the clerk of the court.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 292L

[House Bill No. 1041.]

AN ACT

To divide Holmes township, Crawford county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Holmes, in the county of Crawford, be and the same hereby is divided into two election precincts for all election purposes authorized by law, as follows: Beginning at the northeast corner of section thirteen of said township; thence west to the northwest corner of said section; thence south to the northwest corner of section twenty-five of said township; thence west to the northwest corner of section twenty-six of said township; thence south to the southwest corner of said section; thence west along the north line of sections thirty four, thirty-three, thirty-two, and thirty-one of said township to the west line of said township; thence south to the southwest corner thereof; thence east along the south line of said township to the southeast corner thereof; thence north along the east line of said township to the place of beginning, and that the north portion of said township as so divided shall be designated and known as the north precinct, and that the south portion thereof as so divided, shall be designated and known as the south precinct, with its place of voting at North Bucyrus; and the place of voting in the north precinct shall be at the township hall; provided that the division herein provided for shall not be construed as requiring the election of an assessor in each of such subdivisions, but there shall be elected by the electors of said township one assessor for the township unless the deputy state supervisors of elections, at any time hereafter shall order that an assessor be elected in each precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 293L

[House Bill No. 784.]

AN ACT

To amend section 3 of an act entitled "An act to provide for the transfer of the custody and control of the Western Reserve and Maumee State Road to the counties through which said road is located" (85 O. L., 165), as amended May 9, 1894 (91 O. L., 723).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to provide for the transfer of the custody and control of the Western Reserve and Maumee State road to the counties through which said road is located," as amended May 9, 1894, be amended so as to read as follows:

Sec. 3. That upon and after the passage of this act, the county commissioners of the respective counties of Wood and Sandusky are hereby authorized and required to take charge of, manage, keep in repair, and control so much of said road as lies within their respective counties in the manner prescribed by sections 4876, 4896, 4897, 4898, 4899, 4901, 4906, and 4907 of the Revised Statutes of Ohio, providing for the repair of improved roads.

SECTION 2. That said section 3 as amended May 9, 1894, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 294L

[Senate Bill No. 277.]

AN ACT

To divide Hollister precinct, Trimble township, Athens county, Ohio, so as to make another election precinct.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Hollister precinct, Trimble township, Athens county, Ohio, be divided so as to make another election precinct to be bounded as follows:

"Beginning at the west line of said township, at the northwest corner of section 31 of said township; thence east to the northeast corner of said section 31; thence north to the northeast corner of fraction 32; thence east to the southeast corner of fraction 33; thence north to the northeast corner of fraction 33; thence west to the northwest corner of section 33; thence north to the northeast corner of section 34; thence west to the northwest corner of section 34; thence south to the northwest corner of section 31 to the place of beginning.

SECTION 2. That the precinct contained within the foregoing boundaries shall be known as Hollister west precinct, and the voting place shall be at Goose Run.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 295L

[Senate Bill No. 303.]

AN ACT

To authorize the council of the village of Calais, Monroe county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Calais, Monroe county, Ohio, be and is authorized to transfer the sum of one hundred ($100) dollars, from the health fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 296L

[House Bill No. 1018.]

AN ACT

To authorize councils of cities of the fourth grade of the first class to issue bonds for market house and auditorium and to provide for a board of trustees, and to prescribe the powers and duties of such board of trustees.

[CANTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any city of the fourth grade of the first class, be, and is hereby authorized and empowered to issue bonds for

such city designated as "Market house and auditorium bonds," not exceeding in the aggregate seventy-five thousand dollars ($75,000) for the purpose of building and erecting a market house and auditorium in any such city.

SECTION 2. Such bonds shall be in such denominations, run for such length of time not exceeding thirty (30) years and bear such rate of interest not exceeding five per centum per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city and sealed with the seal of such corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the proceeds of the sale thereof shall be applied exclusively to the purpose for which such bonds are issued.

SECTION 3. The resident judge or judges of the court of common pleas of such counties wherein such cities are located, are hereby authorized to appoint four trustees, chosen equally from the two principal political parties, who together with three members of the city council of any such cities who shall consist of the president of the city council and two other members of the city council to be appointed by the president of the city council, shall constitute a board of trustees to build and erect such market house and auditorium contemplated in this act. Said board shall serve without compensation, but shall be paid their necessary expenses in performing their duties. All vacancies in said board shall be filled in the same manner, and from the same political party as the original appointments.

SECTION 4. Said board shall select from its number a chairman, but the city clerk of such city shall be clerk of said board. Said board shall have power to appoint and employ all necessary agents, employes and representatives that it may deem proper, and fix their compensation, and make all further contracts which shall be required, in its judgment, to build and complete such market house and auditorium and such further improvements concerning such market house and auditorium as it shall determine upon.

SECTION 5. No money shall be expended on account of such market house and auditorium unless authorized by such board of trustees, who shall certify to the city council all expenditures so to be made, and thereupon such city council shall order the city clerk to issue proper warrants therefor; and no trustee, or person holding any appointment from such board shall be interested, directly or indirectly, in any such contract concerning such market house and auditorium.

SECTION 6. All contracts concerning such market house and auditorium shall first be ordered by a majority of said board, and, in pursuance of such orders, shall be signed by authority of such city council on behalf of such city and by the contractor selected by said board. No alterations in such contract or contracts shall be made other than by the direction of said board, and such order shall be of no effect until the price to be paid for the work and materials under such altered or modified contract shall be agreed upon in writing and signed by the contractor and such city council; and no contractor shall be allowed anything for extra work or materials caused by alteration or modification unless an order is made or agreement signed as aforesaid, nor shall he, in any case, be allowed or recover more for such work and materials than the agreed price.

SECTION 7. Such board shall not enter into any contract for work or materials in building and erecting such market house and auditorium exceeding $1,000, without first causing ten days' notice to be given in newspapers of general circulation, published in such cities, that sealed proposals will be received for doing such work or furnishing materials. Each bid shall be accompanied by a bond signed in sufficient surety, for the execution of the contract, as awarded by the board, and shall be inclosed in a sealed envelope and deposited with the clerk of said board, and all bids shall be opened at a meeting of the board.

SECTION 8. Such board shall enter into contracts with the lowest and best bidder upon his giving bond to such city for the use of such city, in such sum and with such sureties as the board shall approve, that he will perform the work and furnish materials in accordance with his contract; and on failure of such bidder within a reasonable time to be fixed by the board, to enter into such bond, a contract may be made with the next lowest bidder, and so on until the contract is effected by a contractor giving bond as aforesaid; provided, that the board may subdivide said work as they deem proper, and may reject any and all bids.

SECTION 9. For the purpose of paying the principal and interest of any bonds issued under authority of this act as they mature, the council of any such city is hereby authorized and empowered from time to time if necessary to levy upon all the taxable property of such city and collect a tax sufficient to pay such principal and interest.

SECTION 10. Said trustees shall hold their office until the completion of such market house and auditorium, but may be removed summarily by the resident judge or judges of the court of common pleas for misconduct in office or neglect of duty.

SECTION 11. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 297L

[Senate Bill No. 327.]

AN ACT

Relative to the expenses of the county commissioners of Brown county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each county commissioner of Brown county may, in addition to his salary, charge and receive his actual necessary expenses not exceeding three hundred dollars for the year, when necessarily engaged in the performance of his official duties required of him as such commissioner, which expenses shall be paid by the county treasurer of said county on the warrant of the county auditor of said county, on first producing to the said auditor an itemized account thereof, approved in writing by the probate judge of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 298L

[House Bill No. 579.]

AN ACT

To regulate the duties and fix salaries of county surveyor and deputies in counties having a city of the first class of the second grade.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In original counties containing a city of the first class, second grade, in all cases where the county commissioners are directed or authorized by law to employ the services of a surveyor or engineer, and in all cases where the services of a surveyor are required in such county, and the county commissioners have the power to appoint such surveyor or engineer, they shall in all cases appoint the county surveyor of such county.

SECTION 2. No improvement of any character involving an expenditure of money which is to be paid for out of the funds known as road or bridge funds, shall be made by the county commissioners, unless plans, specifications and estimates of the cost thereof have been duly made and have been on file in the office of county surveyor for at least ten days prior to such awarding of contract or giving out of the work, but nothing in this section shall be construed to prevent the letting or giving out of the work in the event of an emergency involving danger to life or property, and which work must not exceed in extent or cost an amount absolutely necessary for temporary repairs.

SECTION 3. It shall be the duty of said county surveyor to prepare all plans, specifications, estimates of cost and submit forms of contracts required or necessary for the improvement or construction of all roads, culverts, sewers, drains and ditches. He shall make annual inspection of all bridges and culverts and report their condition to the county commissioners on or before January 1st of each year, or oftener if required by the commissioners. He shall prepare a record in his office of all plats, or maps required in making the aforesaid improvements, also all plats or maps required for making or estimating assessments. He shall when required by the board of county commissioners, make detailed estimates of the cost of any work or improvement designated, together with any mechanical or mathematical calculations connected therewith, and certify to the correctness of the same. He shall be responsible for the inspection of all public improvements that are made under authority of said board. He shall keep in suitable books a complete record of all estimates and summaries of the bids received for the various improve-

ments, together with a record of all estimates made for the payments on the work. He shall perform such other duties as the board of commissioners may from time to time require.

SECTION 4. The board of county commissioners shall furnish the surveyor with offices at the county seat, which shall be furnished, at the expense of the county, with all necessary furniture, cases, blank books, stationery, instruments and implements, and shall allow to said surveyor and assistants, in addition to their salaries as fixed, their reasonable expenses while engaged on county work.

SECTION 5. The surveyor shall receive a salary of three thousand dollars ($3,000) per annum; payable monthly out of the county treasury on the warrant of the county auditor. He may appoint deputies and assistants as follows: A chief deputy in charge of bridges at a salary not exceeding two thousand dollars ($2,000) per annum; one deputy in charge of road improvements at a salary not exceeding one thousand five hundred dollars ($1,500) per annum; one deputy in charge of culverts and drains at a salary not exceeding one thousand two hundred dollars ($1,200) per annum; one deputy in charge of surveys at a salary not exceeding one thousand two hundred dollars ($1,200) per annum; one draughtsman at a salary not exceeding one thousand dollars ($1,000) per annum; one draughtsman at a salary not exceeding nine hundred dollars ($900) per annum; he may appoint rodmen and chainmen, not exceeding one of each for himself, and two of each for his deputies, the compensation to be fixed by the surveyor, but in no case shall the salary of a rodman exceed seven hundred and twenty dollars ($720) per annum; or of a chainman six hundred dollars ($600) per annum. He may appoint inspectors, not exceeding five in number, at a salary not exceeding three dollars ($3) per day for the time actually employed on such improvements as the board of county commissioners may deem necessary. If the volume or nature of the business in the office of the surveyor demands the services of a consulting engineer or of additional deputies, transitmen, draughtsmen, rodmen, chainmen and inspectors, the judges of the court of common pleas in joint session shall from time to time, upon the written request of the surveyor, fix an aggregate sum to be expended for the compensation of said additional assistants. All claims for deputies, transitmen, draughtsmen, rodmen, chainmen and inspectors shall be payable in the same manner as that of the surveyor.

SECTION 6. The county surveyor, his deputies and assistants shall not contract for or carry on any engineering or surveying work other than herein provided for.

SECTION 7. That any provisions of law inconsistent with the provisions of this act are hereby declared null and void in so far as they conflict with the provisions of this act, but to no further extent.

SECTION 8. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 299L

[House Bill No. 1105.]

AN ACT

Authorizing the commissioners of Hamilton county, to pay the claim of Charles B. Arnold, delinquent tax collector.

WHEREAS, The commissioners of Hamilton county, under the authority of section 2858, Revised Statutes of Ohio, did authorize the treasurer of said county to employ a delinquent tax collector to collect delinquent taxes on personal property for the years, 1893 to 1899, inclusive; and,

WHEREAS, The treasurer of said county did employ as such delinquent tax collector, Charles B. Arnold, and fixed his compensation at a sum equal to 25% of the collections made by him and paid into the county treasury; and,

WHEREAS, Said Charles B. Arnold did perform said duties from April 30th, 1900, to date, and did pay into the county treasury, the sum of twelve thousand four hundred and seventeen and fourteen one-hundredths dollars ($12,417.14) upon which he was entitled to $3,104.28, being 25% of the amount so collected; and,

WHEREAS, In a suit involving the validity of a portion of said collections, the supreme court of Ohio, did on January 21st, 1902, decide that the claim of the said Charles B. Arnold could not be paid for the reason that the county commissioners of Hamilton county, had failed to cause the list of persons delinquent in the payment on personal property, to be publicly read; and,

WHEREAS, Notwithstanding said omission of the commissioners, the said Charles B. Arnold did perform his duty under the contract made with him and is entitled to compensation for his services; now therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Hamilton county, are hereby authorized and empowered to make such allowance as they may deem just and proper to Charles B. Arnold, delinquent tax collector employed under their authority for the collection of any delinquent taxes for which the said Charles B. Arnold has not been paid, notwithstanding the failure of said commissioners to publicly read the list of persons delinquent in the payment on personal property as required by section 2858 Revised Statutes of Ohio; and the said commissioners are hereby authorized and empowered to pay out of the proper fund or funds, the claim of Charles B. Arnold for the collection of delinquent taxes, not exceeding 25% of the amount collected by him, and not exceeding in any event the sum of $3,104.28. And such allowance to the said Charles B. Arnold shall be apportioned ratably by the county auditor of Hamilton county among all the funds entitled to share in the distribution of such taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 300L.

[Senate Bill No. 336.]

AN ACT

To fix the salary of members of the board of deputy state supervisors of elect in certain counties.

[STARK COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all counties, which at the last federal cens had, or which at any subsequent federal census may have, a popula of not more than 94,750, nor less than 94,740, the salary of each mem and the clerk of the board of deputy state supervisors of electi shall be four hundred dollars per annum, payable from the county fun on warrants drawn by the county auditor upon vouchers certifying t said services signed by the president and secretary of said board, sa payment to be made in monthly intallments.

SECTION 2. This act shall take effect and be in force on and af its passage.

W. S. MCKINNON,
Speaker of the House of Representati
F. B. ARCHER,
President of the Sen

Passed May 10, 1902. 301L

[House Bill No. 994.]

AN ACT

To amend section 4 of an act entitled "An act to incorporate the Presbyteri Congregation of Short creek, in the county of Jefferson, state of Ohio," pas February 24th, 1834, and amended in the winter of 1835, changing the na from that of the Presbyterian Congregation of Short creek, to that of t First Presbyterian church, of Mt. Pleasant, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the fourth section of an act entitled "An act to incorporate the Presbyterian Congregation of Short Creek, in the count of Jefferson, state of Ohio," passed February 24, 1834, and amended in the winter of 1835, changing the name from that of the Presbyterian Congregation of Short Creek, to that of the First Presbyterian church of Mt. Pleasant, Ohio, be amended so as to read as follows:

Sec. 4. That the members of said corporation and their associates shall meet on the fourth Monday of March, 1900, and elect by ball three trustees, one for one year, one for two years and one for three years; a secretary for one year, and a treasurer for one year, and annually thereafter on the fourth Monday of March, shall elect by ball one trustee to serve three years, a secretary and treasurer, and each t serve until the election of his successor, but in case of failure to h a meeting as above required, the trustees may call a meeting at su time and place as they may think necessary for the election of officers or other business. Said trustees shall have power to make such rul

egulations and by-laws as they deem advisable; provided, they be consistent with constitution and laws of the United States and of the tate of Ohio.

SECTION 2. That the fourth section of the above recited act be nd is hereby repealed, and this act shall take effect and be in force rom and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 302L

[House Bill No. 978.]

AN ACT

Authorizing the county commissioners of Clermont county, Ohio, to construct free turnpike roads over the following described routes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Clermont county, Ohio, are hereby authorized and empowered to construct the following free turnpike roads, over the following described routes:

No. 1. Commencing at the Locust Corner free turnpike road in the hamlet of Locust Corner in said county; thence in a northwesterly direction following as nearly as practicable the course of what was formerly known as the Round Bottom road to its intersection with the Nine Mile free turnpike road at or near the three forks of Nine Mile creek in said county.

No. 2. Commencing at the Locust Corner free turnpike road in the hamlet of Locust Corner in said county; thence in a southeasterly direction along the present county road until it intersects the Ten Mile free pike in Pierce township in said county.

No. 3. In the township of Monroe in said county to follow as near as practicable the following route: Beginning at the Breckenridge road; thence to the road running from Dixon's corner to the Richard's farm on the Point Isabel pike; thence between the farms of Paul R. McNeal and Frank Joslin; thence through the farms of Jemima Joslin and Olin Chapman, and Callie Chapman, and past the farm of Frank Kreitzmyer, this route to be left to the judgment of the county commissioners of said county.

No. 4. And the said county commissioners of said Clermont county are hereby authorized and empowered to further construct a free turnpike road over either of the following proposed routes, whichever in their judgment is the most practical to construct; to commence in the corporate line of the village of Amelia, Ohio, Clermont county, at a point where the C. G. & P. railroad intersects the public highway that leads in a westerly direction from Amelia to Ten Mile creek, known as the Ten Mile road; thence in a westerly direction along said road to a point near the residence of Samuel Glover; thence following the public road as near as practicable in a southerly direction to a point in said road near the

residence of E. L. Bennett; thence following a certain lane that le past the residence of J. J. Warner to the first culvert in said lane; the in a southerly direction through the lands of said J. J. Warner passing lands of Mina Ricker and ending at a point in the Ten Mile pike wh said Ten Mile pike intersects the Ten Mile creek, being near what known as the Winspear farm, or commencing in the corporate lim the village of Amelia, Ohio, Clermont county, at a point where the G. & P. railroad intersects the public highway which leads from Am Ohio, to Ten Mile creek; thence in a westerly direction along said r to a point in said road near the residence of Samuel Glover; thence in southerly direction along as near as practicable the public highway tha leads from said point near said Glover's residence south to a point in th Ten Mile and Lindale pike where said public highway intersects sa pike near the residence of Mrs. Jennings.

SECTION 2. It shall be necessary, however, before proceeding t construct either of the aforesaid free turnpike roads for the persons interested in either of said turnpike roads to secure a free grant of the rights of ways over either of the same. And said persons shall secure fr those interested in said turnpike roads twenty per centum of the cos thereof to be used in its construction, and in all things connected herewit to hold said county commissioners harmless in carrying out the intentio of this act.

SECTION 3. That a majority of said board of county commissioner shall be necessary at any regular session to agree upon specifications an order said improvement or any part thereof.

SECTION 4. This act shall take effect and be in force from and afte its passage.

W. S. MCKINNON.
Speaker of the House of Representatives.
F. B. ARCHER.
President of the Senate.

Passed May 10, 1902. 303L

[House Bill No. 997.]

AN ACT

To amend section 8 of an act passed April 16, 1900, entitled "An act relative t the duties and compensation of certain county officers of Muskingum county and regulating the appointment and compensation of their deputies, clerks, as sistants and employes."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8 of an act passed April 16, 1900, entitled "An act relative to the duties and compensation of certain county officers of Muskingum county, and regulating the appointment and compensation of their deputies, clerks, assistants and employes," be amended so as to read as follows:

Sec. 8. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general

terms the manner in which such prisoners shall be kept and provided for and shall see that the terms are fully complied with.

The recorder for services directed to be performed by the commissioners in transcribing the records of other counties, and transcribing defaced or injured records, shall receive from the county treasury upon the warrant of the auditor such compensation as the commissioners determine, not exceeding six cents for every hundred words, and they shall allow the recorder his necessary expenses in transcribing records in other counties.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 304L

[House Bill No. 992.]

AN ACT

To authorize the board of education of Grelton special school district, in the county of Henry, and state of Ohio, to borrow money and issue bonds therefor, for the purpose of repairing schoolhouse in said district, building addition thereto, and putting in heating and ventilating apparatus therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Grelton special school district, in the county of Henry, and state of Ohio, be and is hereby authorized to borrow any sum of money not exceeding two thousand dollars, and issue bonds therefor, for the purpose of repairing the schoolhouse in said district, building addition thereto, and putting in heating and ventilating apparatus therein.

SECTION 2. Said bonds shall be in such denominations, and payable at such times and place as said board of education may deem judicious, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value. Said board shall annually, after the issuing of said bonds, cause the necessary taxes to be levied to pay the interest on said bonds and the principal thereof, as the same shall become due; and said levy, if necessary, may be in addition to that now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 305L

[House Bill No. 1063.]

AN ACT

To authorize the board of education of Washington township, Coshocton county, Ohio, to issue bonds to build a schoolhouse.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Washington township, Coshocton county, Ohio, is hereby authorized and empowered to issue bonds not to exceed the sum of eighteen hundred dollars ($1,800.00) for the purpose of building a schoolhouse in district No. 4.

SECTION 2. Said bonds shall be issued by said board and signed by the president and attested by the clerk thereof; they shall be of the denominations of nine hundred dollars ($900.00) each and payable in one and two years, respectively, from the dates thereof, and to bear interest at a rate not to exceed six (6) per centum per annum, payable annually. Said bonds shall not be sold for less than their par value and at public or private sale, as the board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes to be levied in addition to those now authorized by law to pay the principal and interest of said bonds, as the same shall become due, in the manner provided by law for the levying and collecting of taxes for school and schoolhouse purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 306L

[House Bill No. 1090.]

AN ACT

To authorize the council of the village of New Straitsville, Ohio, to increase its levy for taxes in said village.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the village of New Straitsville, Perry county, Ohio, is hereby authorized and empowered to levy four mills on each dollar's valuation of the taxable property of said village in addition and excess of the amounts now authorized by law, for the purpose and to enable said village to improve its streets, for the years 1902, 1903, 1904 and 1905.

SECTION 2. All sums raised as above provided shall be accredited to the street and alley fund of said village and for no other purpose whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 307L

[House Bill No. 1079.]

AN ACT

An act to establish a special school district in Washington township, Columbiana county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district composed of certain territory in the townships of Washington and Yellow creek, Columbiana county, Ohio, to be known as the Highlandtown special school district, be, and the same is, hereby established in and of the following described territory, to-wit:

All that part of the north half of section five in said Washington township, Columbiana county, Ohio, except lands of which Moses R. Joseph died seized in said one-half section, also sections 6, 12, 35 and 36 in said township. Also the west one-half of section 36, and the northwest one-half of section 35 in Yellow creek township, Columbiana county, Ohio.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses in said Washington township, in accordance with the enumeration of the year, A. D. 1901, of school children entitled to attend school. Said funds being those now in the treasuries of said township, or county, or that shall hereafter come into either of said treasuries, collected jointly from the territory included in said special school district, and the remainder of Washington township.

And said district shall be governed by such laws as now are or may be hereafter enforced relating to special school districts.

SECTION 3. This act shal' take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 308L

[House Bill No. 1084.]

AN ACT

To authorize cities of the first class, third grade, to issue bonds to procure means for payment of expenses of repairing and cleaning sewers, streets, and other highways.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever it shall be made to appear satisfactorily to the common council of any city of the third grade of the first class, by a statement in writing made and subscribed by the street commissioner and the auditor of such city, or otherwise, that the funds which have been and which will be realized from the tax levies and all other sources of revenue for any year, which are applicable to the payment of the ex-

penses of repairing, cleaning, and otherwise properly caring for, the sewers, streets and alleys and other highways of such city, are insufficient for such purposes or any of them, the common council of such city shall have power, if deemed advisable, to issue and sell bonds of such city in amount or amounts sufficient to raise means for the payment of such expenses in excess of the city's revenues from such tax levies and other sources; provided, however, that the amount of such bonds that may be issued by any city by authority of this act shall not exceed seventy-five thousand dollars ($75,000) in any period of two consecutive years.

SECTION 2. Bonds issued by authority of this act shall be made payable in not more than twenty (20) years from their date, shall bear interest at a rate not exceeding 3½ per cent. per annum, payable semi-annually, shall be of denomination of five hundred ($500) dollars or one thousand ($1,000) dollars and shall be executed, issued and sold in the manner and subject to the conditions provided by law for the issuance and sale of other bonds of such cities, and the proceeds thereof shall be used and applied solely for and to the purposes herein mentioned.

SECTION 3. For the purpose of paying the interest on said bonds as the same shall accrue and the principal thereof at maturity, the common council of such city is hereby authorized to levy the necessary taxes, in addition to all other taxes otherwise by law authorized.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 309L

[House Bill No. 1010.]

AN ACT

To authorize the township trustees of Bath township, Greene county, Ohio, to accept a conveyance of cemetery grounds and assume an indebtedness due thereon.

Be in enacted by the General assembly of the State of Ohio:

SECTION 1. That the township trustees of Bath township, Greene county, Ohio, are hereby authorized and empowered to assume and pay the indebtedness of Union Church Cemetery association, in said township now existing on account of the purchase and improvement of the grounds of said cemetery association, in a sum not exceeding three hundred ($300.00) dollars, upon the due execution and delivery of a deed of conveyance to them, by the trustees of said association, of all the grounds of said association, the same to be accepted and the grounds to be held by said township trustees as provided by an act of the general assembly of the state of Ohio, passed April 12, 1898, and found on 93 O. L., 153.

SECTION 2. For the purpose of providing money for said purpose aforesaid, the trustees of said township may issue and sell the bonds of said township in a sum not exceeding $300.00, which shall be issued

and sold according to law, and shall mature in not exceeding three years and bear interest at not exceeding 5 per cent. per annum, or said trustees may pay said sum from any other funds of said townships available for said purpose, and if bonds are issued, the trustees shall levy a tax on all the property of the township, in addition to that now authorized by law, sufficient to pay the interests and provide for the redemption of said bonds at their maturity.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 310L

[Senate Bill No. 349.]

AN ACT

To change the width of the Jacob Miller road, known as the Gettysburg and Webster improved road, in Darke county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The Jacob Miller road known as the Gettysburg and Webster improved road, in Darke county, Ohio, commencing at the south line of the incorporated village of Webster, Darke county, Ohio, thence south on the half-section line through sections six (6) and seven (7) to the Harris creek road, town nine (9), range four (4) east Darke county, Ohio, and there to terminate; said road is hereby changed from sixty (60) feet in width to forty (40) feet in width.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 311L

[House Bill No. 689.]

AN ACT

To provide for the abolishment of subschool district No. 11, Perry township, Montgomery county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the school district known as subdistrict No. 11, in Perry township, Montgomery county, Ohio, as established by order of the probate court of said county November 21, 1898, be and the same is hereby abolished; and the board of education of said township is hereby

authorized to make such sale or disposition of the school ground and building located in said district as may be deemed proper, and apply any funds obtained thereby to the general school fund of said township.

SECTION 2. This act shall take effect and be in force from and after June 1st, 1903.

W. S. MCKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 312L

[House Bill No. 1064.]

AN ACT

To amend section 6 of an act entitled "An act to authorize cities of the first grade of the first class to annex contiguous and adjacent territory comprising various political subdivisions of the county in which such city shall be situated."

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6 of an act passed April 10th, 1900 (General and Local Laws of Ohio, vol. 94, page 545), entitled "An act to authorize cities of the first grade of the first class to annex contiguous and adjacent territory comprising various political subdivisions of the county in which such city shall be situated," be amended so as to read as follows:

Sec. 6. That such commissioners shall make a full and detailed account of the indebtedness, funded or otherwise, if any, due by each of the political subdivisions which are affected by such annexation. That such commissioners, in connection with the sinking fund trustees of the annexing city, shall arrange the terms and conditions of such annexation, and report the same to said court or the mayor, as the case may require, for approval; provided that any moneys in the treasury of any municipal corporation, school district or township, [or part of any such municipal corporation, school district or township,] so annexed, arising from the sale of bonds issued pursuant to law, shall be expended by the annexing municipal corporation within the territory in which, and for the purpose for which, said money was raised; and when part only of any political subdivision is to be annexed they shall make equitable apportionment between the part to be and that not to be annexed, having due regard to the tax valuations of the territory so to be severed, and providing for the assumption and ultimate payment by the annexing city of the portion of such indebtedness which in the judgment and discretion of the commissioners should be allotted to the part annexed and so to be assumed and paid by such city.

SECTION 2. Said original section 6 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 313L

[House Bill No. 1081.]

AN ACT

To authorize the commissioners of Cuyahoga county [to repair county] fair grounds at Chagrin Falls.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Cuyahoga county be and they are hereby authorized and empowered to appropriate out of any funds not otherwise appropriated the sum of three thousand dollars for building grand stand and repairing other buildings upon said grounds at Chagrin Falls, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 314L

[House Bill No. 1082.]

AN ACT

To authorize boards of workhouse directors in cities of the first grade of the second class to issue bonds to cover deficiencies.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of workhouse directors in cities of the first grade of the second class be and they are hereby authorized to issue and sell the bonds of such cities of the first grade of the second class, according to law, in amounts not to exceed six thousand dollars, and in sums not less than five hundred dollars, nor greater than one thousand dollars, with interest coupons attached thereto, interest payable semi-annually, to be due and payable at such time and place as such boards may, in their discretion, deem for the best interests of such cities; provided, that none of such bonds shall be due and payable at a longer period than twenty years from the date of issue nor bear a rate of interest exceeding four per centum per annum. The proceeds of the sale of such bonds shall be placed in the treasuries of such cities to cover any deficiencies in the workhouse funds of such cities of the first grade of the second class.

SECTION 2. Said bonds shall be signed by the mayor and director of accounts of such cities, and have the corporation seal affixed thereto. The credit of such cities shall be pledged to the payment of such bonds. In no case shall they be sold for less than their par value. All sales shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in such cities, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such cities.

SECTION 3. To pay the principal and interest on such bonds the councils of such cities shall, annually, levy upon all the taxable property of such cities a tax sufficient in rate and amount to pay the interest and to provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied by such cities for any and all other purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 315L

[House Bill No. 1068.]

AN ACT

Repealing an act known as House Bill No. 557, passed May 14th, 1878, and found in Ohio Laws, vol. 75, page 1171, being "An act to provide for the disbursement of the school funds in the city of Mansfield."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act passed May 14th, 1878, found in Ohio Laws, vol. 75, page 1171, being "An act to provide for the disbursement of the school funds in the city of Mansfield, Ohio," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 316L

[House Bill No. 1076.]

AN ACT

To regulate the election of road supervisors in the several road districts of Union county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the electors of each of the road districts of Union county, Ohio, may elect one supervisor of roads for the district at the regular time of holding elections for township officers. When such supervisor or supervisors are not elected, the trustees of the township are empowered to repair the highway and perform other duties required of supervisors, by the employment of labor.

SECTION 2. That the provisions in section 1448 of the Revised Statutes of Ohio, as to the election of supervisor of road districts, be and the same are hereby repealed as to said Union county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 317L

[House Bill No. 1106.]

AN ACT

To amend an act to provide for the maintaining of a public vault and potter's field in the cemetery in Weston township, Wood county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Weston township, Wood county, shall, on the presentation of a petition signed by twenty freeholders of said township, call an election of the voters of said township, upon the question of the building of a public vault in the cemetery in said township, for the general use of the people of said township.

SECTION 2. Said election may be called to be held at any regular election to be held in said township, or at a special election called for such purpose, notice of which election in either case, shall be given by not less than ten days' notice by two consecutive publications of same in some newspaper of general circulation in said township.

SECTION 3. The ballots to be used at such election shall have printed upon them the words, "For public vault, at a cost not to exceed two thousand five hundred dollars — Yes," or "For public vault, at a cost not to exceed two thousand five hundred dollars — No." Such election shall be held in such manner and at such place, as the elections in said township are usually held.

SECTION 4. In case a majority of votes cast at such elections shall be in favor of the erection of a public vault, the trustees of said township shall at their annual meeting next held, for the purpose of making the annual levy of taxes, levy a tax upon all the taxable property of said township in the same manner as other township taxes are levied, not to exceed one and one-half mills. And should such tax of one and one-half mills not be able to produce the sum required to construct such public vault, then the trustees of said township shall issue the bonds of said township for the sum of twenty-five hundred dollars at once and offer them for sale. Provided, that said bonds must be sold at not less than face value, and at a rate of interest not to exceed six per cent. per annum. The trustees shall levy annually thereafter, one and one-half mills for such public vault, until said bonds with their interest shall have been fully paid; provided, that any moneys remaining from such levies after the bonds and their interest shall have been fully paid, shall be expended in beautifying the immediate surroundings of such public vault.

And provided further, that for the proper care of completed vault, its surroundings, and the township potter's field, the trustees of Weston township Wood county Ohio, shall levy annually hereafter, as other township taxes are levied, upon all the taxable property of said township, a tax of one-half (½) of one mill, to be known as "Cemetery tax," the proceeds of which cemetery tax, shall be turned over to the trustees of the Weston cemetery, who shall properly receipt to the said township trustees for the same, and which money shall be expended by said cemetery trustees in beautifying and properly caring for the said Weston cemetery, and the township property in the same.

SECTION 5. Said bonds shall be in the sum of eight hundred and thirty-three and one-third dollars each; shall state on their face the date of issue; by whom issued; to whom issued; the act under which issued; the purpose for which issued; the rate of interest; the time of payment, and shall not be sold at less than face value or draw more than six per cent. per annum.

SECTION 6. In case such vote carries, then the township trustees and the trustees of the cemetery shall constitute a "Building committee" to have charge of the location and construction of said public vault, and all work connected with it, until the money provided by all bonds and levies for this purpose shall be expended; provided, that when such vault is completed, the trustees of said township shall commit to the care of said cemetery trustees, said public vault, subject to such rules and regulations as such township trustees may devise for its management.

SECTION 7. This act shall be in full force and effect on and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 318L

[Senate Bill No. 335.]

AN ACT

To authorize the commissioners of the county of Pickaway, Ohio, to transfer certain funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the county of Pickaway and state of Ohio, be, and are hereby authorized to transfer $3,228.03 from the "Mackey Ford bridge fund" of Pickaway county, Ohio, to the "County fund" of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 319L

[House Bill No. 416.]

AN ACT

To authorize the commissioners of Montgomery county to construct and maintain a public road through certain lands of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the Dayton state hospital for the insane, located in Montgomery county, Ohio, are hereby authorized and empowered, in case they so deem advisable, to grant all necessary consent or permission on behalf of the state to the commissioners of said county to construct, maintain and control, on the line dividing the townships of Mad River and Van Buren in said county, a public road, or highway, through certain lands of the state abutting upon and adjoining said line extending between said townships.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 320L

[House Bill No. 736.]

AN ACT

For the relief of James D. Ermston, of Hamilton county, Ohio.

WHEREAS, James D. Ermston was appointed to the position of prosecuting attorney of the police court of the city of Cincinnati, Hamilton county, Ohio, upon the fifth day of July, A. D., 1897, by the mayor of said city of Cincinnati, and

WHEREAS, The said James D. Ermston served in said position of prosecuting attorney from the said fifth day of July to the eighth day of December, A. D., 1897, for a period of one hundred and twenty-two days, and

WHEREAS, Pending the final disposition of the case of the state of Ohio ex rel. William H. Leuders vs. James D. Ermston, reported in Vol. 14, page 614 of the Ohio circuit court reports, and Vol. 57, page 665 of the Ohio state reports, the said James D. Ermston did not draw nor attempt to draw the salary of said office either from the city of Cincinnati, or the county of Hamilton, and

WHEREAS, Section 1814 of the Revised Statutes of the state of Ohio provide that "The county commissioners shall allow the prosecuting attorney of said police court such further compensation as they deem proper," which said compensation so allowed by said county commissioners amounted to the sum of eight hundred dollars per year or at the rate and sum of two dollars and nineteen cents per day, and

WHEREAS, The said James D. Ermston served in said position for the said period of one hundred and twenty-two days without pay therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Hamilton county, Ohio be and they are hereby authorized and directed to pay to said James D Ermston, the sum of two hundred and sixty-seven dollars and eighteen cents ($267.18) out of the judiciary fund of said Hamilton county, Ohio.

SECTION 2. This act shall take effect on its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 321L

[House Bill No. 899.]

AN ACT

To create a special school district in Crosby township, in Hamilton county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district to be known as the "New Haven special school district" be and the same is hereby established in the township of Crosby, in Hamilton county, Ohio, which special district shall embrace and include the following territory, to-wit:

Commencing at a point on the county line between Morgan township Butler county, and Crosby township, Hamilton county, in the center of a public highway, known as the New Haven and New London road, thence southwardly in the center of said highway to the center of the New Haven and Venice public highway; thence eastwardly twelve (12) chains; thence southwardly twenty-one (21) chains; thence eastwardly about thirty-three (33) chains; to the section line; thence southwardly along the section line to the southeast corner of a two hundred and twenty-six (226) acre tract of land belonging to William Gerst; thence westwardly seventy-two (72) chains; thence southwardly seventy-eight chains; thence westwardly one hundred (100) chains to the township line between Harrison and Crosby townships; thence northwardly along said township line about one hundred and thirty-seven chains (137) to the southwest corner of a twenty (20) acre tract of land; thence eastwardly eighteen chains (18); thence northwardly nine (9) chains; thence eastwardly twelve (12) chains; thence northwardly about ten (10) chains to the half ($\frac{1}{2}$) section line of section ten (10); thence eastwardly about twenty (20) chains to the center of section ten (10); thence northwardly along the half ($\frac{1}{2}$) section to the north section line of section ten (10); thence eastwardly about eleven (11) chains to the southeast corner of a one hundred and fifty (150) acre tract of land; thence northwardly to the half ($\frac{1}{2}$) section line of section three (3); thence eastwardly along the half ($\frac{1}{2}$) section line of section three (3) to the east line of section three

3); thence northwardly to the county line; thence eastwardly along the county line to the place of beginning.

SECTION 2. Said special school district shall be entitled to its proportionate share of school funds, as provided for newly created special school districts in section 3946*a* of the Revised Statutes of Ohio.

SECTION 3. The first election of officers of said special school district shall be held, as provided by law, within twenty days after the establishment thereof, upon such notice and conducted according to provisions of section 3924, of the Revised Statutes of Ohio. Said special school district shall be governed by the laws of the state relative to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 322L

[House Bill No. 1035.]

AN ACT

To enable township trustees to convey to cemetery associations public burying grounds.

[LUCAS COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever in any county containing a city of the third grade of the first class, any public burying ground is located in any township, and not under the control of any municipal corporation, the title or control of which is vested in the township trustees, such trustees may convey the same to the trustees of any cemetery association, organized under the laws of the state of Ohio, and their successors in office.

And the trustees of such cemetery association may accept the same and take possession thereof, and take care of and keep same in repair and hold, treat and manage the same in all respects as required by the statutes relating to public burying grounds, belonging to such cemetery associations.

SECTION 2. That so much of sections 1473, 1473-1 and 1473*a* as are in conflict with the provisions of this act, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 323L

[House Bill No. 1067.]

AN ACT

To authorize the county commissioners of counties having a population of not less than 21,950 nor more than 22,000 to buy road building machinery.

[MEDINA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of counties having a population of not less than 21,950 nor more than 22,000, are hereby authorized to purchase a steam roller, rock crusher or other machinery necessary in the building and maintaining of public macadamized roads.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 324L

[House Bill No. 1069.]

AN ACT

To provide for a special school district in Shelby county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory, to-wit, all of section thirty-one (31); all of section thirty-two (32); all of section thirty-three (33); all of section six (6); all of section five (5); all of section four (4); the north half of section three (3); the northeast quarter of section eight (8); the northwest quarter of section nine (9), and the west half of the northeast quarter of section nine (9); all in Dinsmore township, Shelby county, Ohio, be erected and constituted a special school district, and that the above described territory is hereby set apart as such special school district to be known as the Botkins special school district.

SECTON 2. That within twenty days after the passage of this act the qualified electors residing in the territory comprising the above described special school district are hereby authorized to assemble at the school house now located in said special school district in the village of Botkins, Ohio, and elect by ballot, according to law, three members who shall constitute the board of education for said special school district and of the three members so elected, the one for whom the greatest number of ballots shall have been cast, shall serve for three years, the one for whom the next highest number of ballots have been cast shall serve for two years, and the one of the three for whom the least number of ballots shall have been cast shall serve for one year; provided, that annually thereafter the election shall be held as is provided by law.

SECTION 3. The said members of the board of education so chosen shall be vested with power to employ school-teachers, erect schoolhouses,

and maintain a common school and high school in said special school district, and to levy taxes for the same and for the maintenance of the same under the provisions of the laws of this state relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 325L

[House Bill No. 927.]

AN ACT

To allow the treasurer in certain counties a per centum for collecting assessments upon the traffic in intoxicating liquors.

[WOOD COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county treasurer in counties having a population at the last federal census of 1900 of not less than fifty-one thousand, nor more than fifty-five thousand, or which, at any subsequent federal census may have such population, on settlement semi-annually with the county auditor, shall be allowed as fees on all moneys collected under and by virtue of an act entitled "An act to provide against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886 (O. L., Vol. 83, p. 157), the sum of two per cent.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 326L

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to the admission of Roll Joseph to the Dayton hospital for the insane.

WHEREAS, One Roll Joseph, a foreigner, has become insane and his insanity has assumed a form that renders it dangerous and unsafe for him to be at large, and that requires him to be constantly guarded and confined; and,

WHEREAS, He is now confined in the county infirmary of Darke county, Ohio, where proper care and attention suitable to his case cannot be given; and,

WHEREAS, As under the statutes now in force the said Roll Joseph is not eligible to admission to any insane hospital of this state, for the reason that he is not a legal resident thereof; and,

WHEREAS, He should be confined in a hospital; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Dayton hospital for the insane, in compliance with section 700 of the Revised Statutes, be and is hereby authorized and required to admit said Roll Joseph to said hospital as an inmate of the same. And the sheriff of Darke county, is authorized to convey him to said hospital.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted January 24, 1902. 1

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Providing for a resolution for the adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Tuesday, January 7, 1902 it be to meet on Monday, January 13, at 10 o'clock a. m.

W. S. McKINNON,
Speaker of the House of Representatives
F. B. ARCHER,
President pro tem. of the Senate.

Adopted January 6, 1902. 2

[Senate Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to a McKinley memorial meeting in the house of representatives.

Resolved, That a memorial meeting be held in the house of representatives, in commemoration of the life, public service and tragic death of the late President of the United States, William McKinley, of Ohio, on January 29th, 1902, 2:30 o'clock p. m., under the direction of a joint committee of seven on the part of the senate, and ten on the part of the house; and that the senators from Ohio in the congress of the United States, governor, and principal state officers of Ohio, be invited to attend and take part in said memorial proceedings; and that said proceedings be suitably reported and subsequently printed as a memorial for distribution.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted January 20, 1902. 3

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Relative to appointment of a commitee to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and five on the part of the house be appointed to wait upon the governor, and inform him that the general assembly is now in session, and ready to receive any communication which he may see fit to transmit.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 4

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Providing for a joint session to canvass results of election.

Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in accordance with provisions of the constitution and the statutes on Tuesday, January 7th, 1902, at 11 o'clock, a. m., in the hall of the house of representatives, to witness the opening, publishing and declaring the results of the returns of the votes cast for governor, lieutenant governor,

treasurer of state, clerk of supreme court, judge of supreme court, attorney general and other state officers at the election held on the first Tuesday after the first Monday in November, 1901.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate

Adopted February 4, 1902. 5

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Relative to appointment of committee of arrangements for inauguration of governor.

Be it resolved by the General Assembly of the State of Ohio, That a committee of five on the part of the senate and eight on the part of the house be appointed to make necessary and proper arrangements for the inauguration of the governor elect, on Monday, January 13, 1902.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 6

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Providing for a joint meeting of the two houses to hear Louisiana Purchase Exposition Commission.

WHEREAS, Representatives of the proposed Louisiana Purchase Exposition, to be held in St. Louis, under the patronage and with the assistance of the federal and state government, desire to have a hearing before the general assembly in the interest of the said exposition,

Therefore,

Resolved by the General Assembly of the State of Ohio, That the two houses will meet in joint session in the hall of the house of representatives on Wednesday evening, January 29th 1902 at 8 o'clock p. m., to grant a hearing to the representatives of the said Louisiana Purchase Exposition.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 7

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to adjournment on McKinley memorial day.

Be it resolved by the House and Senate of the Seventy-fifth General Assembly, That when adjournment is made on Tuesday, January 28th, it shall be to meet in joint memorial assembly in the house of representatives at 2:30 P. M. of Wednesday, January 29th, and that, out of respect to the memory of the late President William McKinley, of Ohio, there be no legislative session that day.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 8

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Providing for 1000 copies of senate bills Nos. 28 and 29.

Resolved by the General Assembly, That 1,000 copies each of the senate bills, No. 28 and 29, be printed for the use of the members.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 9

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to the election of a United States senator in congress.

Be it resolved by the General Assembly of the State of Ohio, That the members of the two branches of the general assembly meet in joint convention in the hall of the house of representatives at twelve M. on Wednesday, January 15, 1902, for the purpose of taking such action relative to the election of a United States senator in congress, as is provided for by law.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 10

[House Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to printing additional copies of house bill No 37.

Be it resolved by the General Assembly of the State of Ohio, That five hundred additional copies of house bill No. 37 be printed for the use of members and committees.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 11

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Relative to printing 500 extra copies of house bill No. 55.

Be it resolved by the General Assembly of the State of Ohio, That 500 extra copies of house bill No. 55 be printed for distribution among the members of the house and senate.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 12

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to printing 1,000 copies of house bill No. 163.

Be it resolved by the General Assembly of the State of Ohio, That one thousand copies of house bill No. 163 be, and the same are hereby authorized and directed to be printed.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 13

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to printing 500 extra copies of house bill No. 57.

Be it resolved by the General Assembly of the State of Ohio, That five hundred extra copies of house bill No. 57 be, and the same are hereby authorized and directed to be printed.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 14

[House Joint Resolution No. 14.]

JOINT RESOLUTION

To print 2000 copies of roster containing list of committees and names of members and officers.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members of the general assembly 2,000 copies of roster containing list of committees and names of members and officers.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 15

[House Joint Resolution No. 12.]

JOINT RESOLUTION

To print 500 additional copies of house bill No. 34.

Be it resolved by the General Assembly of the State of Ohio, That 500 additional copies of house bill No. 34 be printed for the use of members and committees.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 4, 1902. 16

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to printing extra copies of senate bill No. 25.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 500 extra copies of senate bill No. 25.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 4, 1902. 17

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Providing for the adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Wednesday, January 15th, 1902, it be to meet on Monday, January 20th, at 4:30 o'clock p. m.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 6, 1902. 18

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Informing Mrs. McKinley of the memorial exercises held by the assembly in honor of her beloved husband.

Be it resolved by the General Assembly of the State of Ohio, That the speaker of the house and the president of the senate are hereby directed to communicate to Mrs. McKinley such greeting from the assembly as they may deem appropriate, and to inform her officially of the memorial exercises held by this assembly in honor of her beloved husband and our revered president.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 6, 1902. 19

[House Joint Resolution No. 19.]

JOINT RESOLUTION

To print 1000 copies of house bill No. 183.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members thereof one thousand (1,000) additional copies of H. B. No. 183.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 6, 1902. 20

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Requesting senators and representatives in congress to favor the bill providing for schools of mines.

Resolved by the General Assembly of the State of Ohio, That the senators and representatives of Ohio in the congress of the United States be and hereby are requested to favor the passage of H. R. No. 8375, by General Grosvenor, which provides for applying a portion of the proceeds of the sale of public lands to the endowment and support of schools and departments of mining and metallurgy in the several states, in connection with the colleges for the benefit of agriculture and the mechanic arts established under the provision of the act of congress approved July 2, 1862.

Be it further resolved: That the secretary of state of Ohio transmit immediately upon the passage of this resolution a copy thereof to each of the representatives of Ohio in the house of representatives of the United States and to the two senators from Ohio.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 6, 1902. 21

[Senate Joint Resolution No. 13.]

JOINT RESOLUTION

Providing for printing 1000 copies each of senate bills Nos. 15 and 16.

Be it resolved by the Senate, That there be printed for the use of the members of the senate, 1,000 copies of senate bill number 15, and 1,000 copies of senate bill number 16.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 13, 1902. 22

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

Authorizing the printing of 3000 copies of the addresses and program of the McKinley memorial session.

Be it resolved by the General Assembly of the State of Ohio, That the program and addresses of the different speakers at the McKinley memorial session, January 29th 1902, be printed in the appendix of the senate and house journals, and also that there be printed under the direction of the clerks, of the senate and house, three thousand copies in book form, of the program and addresses delivered on that occasion, to be distributed to the members of the general assembly.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 13, 1902. 23

[House Joint Resolution No. 18.]

JOINT RESOLUTION

To print 500 additional copies of H. B. No. 139.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members of the general assembly, 500 additional copies of H. B. No. 139.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 18, 1902. 24

[House Joint Resolution No. 25.]

JOINT RESOLUTION

To print 1000 copies of house bill No. 334.

Be it resolved by the General Assembly of the State of Ohio: That there be printed for the use of the members of the 75th general assembly, one thousand additional copies of H. B. No. 334.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 18, 1902. 25

[House Joint Resolution No. 29.]

JOINT RESOLUTION

To print 500 copies of H. B. No. 369.

Resolved: That there be printed five hundred copies of H. B. No. 369, for use of the house and senate.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 30, 1902. 26

[House Joint Resolution No. 27.]

JOINT RESOLUTION

To authprize the printing of 500 extra copies of H. B. No. 317.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 500 extra copies of H. B. No. 317.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 24, 1902. 27

[House Joint Resolution No. 22.]

JOINT RESOLUTION

To print 1000 extra copies of H. B. No. 342.

Resolved, That one thousand extra copies of H. B. No. 342 be ordered printed for the use of the members of the house and senate.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted February 24, 1902. 28

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Authorizing the appointment of committee on rules for the government of the assembly.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate and five on the part

of the house be appointed to propose and report joint rules for the government of the two houses.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted February 26, 1902. 29

[House Joint Resolution No. 4.]

JOINT RESOLUTION

Relative to convening and adjourning on Fridays.

Be it resolved by the General Assembly of the State of Ohio, That hereafter on Fridays of each week the general assembly convene at 9 o'clock a. m. and adjourn at 11 o'clock a. m. and stand adjourned until 4:30 o'clock p. m. the following Monday.

W. S. McKINNON,
Speaker of the House of Representatives
CARL L. NIPPERT,
President of the Senate.

Passed February 27, 1902. 30

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Relative to printing of five hundred additional copies of senate bill No. 80

Be it resolved by the General Assembly That five hundred additional copies of senate bill No. 80 be printed for the use of its members.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted March 4, 1902. 31

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to printing extra copies of amended senate bill No. 24.

Be it resolved by the General Assembly of the State of Ohio: That there be printed five hundred (500) additional copies of amended senate bill No. 24.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted March 4, 1902. 32

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to the retention or abandonment of the canal system of Ohio.

WHEREAS, The proposed abandonment of the canal system of Ohio involves questions of vast importance to the state and the people, and should not be acted upon by the general assembly without first giving all those whose interests would be directly affected thereby, the fullest opportunity to be heard; and,

WHEREAS, The constantly recurring agitation of this question, in each successive session of the general assembly, has discouraged and must continue to discourage all efforts to better the condition and enhance the utility of the said canals, and it is therefore of the highest importance that the status of the canal system should be speedily determined by such open, united and deliberate action as will command public confidence and approval, and practically settle the future policy of the state of Ohio upon the question of retention or abandonment of its public works; and,

WHEREAS, This question has, by the unusual manner, and apparent force of its presentation at the present time been brought to an acute stage; and any postponment to a future general assembly, beside being detrimental to public and private interests, would be regarded by the people of Ohio as an evasion of plain duty and present responsibility cast upon this general assembly; and,

WHEREAS, Upon so momentous a question it is in the highest degree important that all the facts bearing upon it should be made known to, and all proper arguments for and against abandonment should be heard and considered by, every member of this legislative body; now, therefore,

Be it resolved, (1). That all action upon the various bills and resolutions now pending in either branch of this general assembly relating to or involving, directly or indirectly, the main question of retention or abandonment of the canal system of Ohio, or any part thereof, be, for the time being, deferred; and that a joint session of both branches of the general assembly sitting in committee of the whole, be held in the hall of representatives, beginning at 10:30 o'clock a. m. of Tuesday, March [18th], 11th, 1902, for the presentation and consideration of the views

and arguments of the representatives of the various interests affected throughout the state of Ohio by the retention or abandonment of the canal system; and for the consideration, by said committee of the whole, of such facts and arguments as may be presented, bearing upon the pending senate and house measures involving said main question.

(2). That a joint committee of five on behalf of the senate, and — on behalf of the house, be appointed to arrange for the discussion and consideration of the question: Shall the canal system of Ohio be retained and improved, or abandoned?

(3). That said committee be empowered to invite, on behalf of the general assembly, the representatives of all manufacturing, commercial and other interests involved in or affected by the retention or abandonment of the canal system of this state, to attend and express their views; and to suitably arrange for a proper and full presentation of such facts and arguments upon the issues involved in the said main question.

(4). That the press of the state of Ohio be requested to coöperate in extending the invitation to be formulated by said joint committee to all interested.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted March 12, 1902. 33

[House Joint Resolution No. 35.]

JOINT RESOLUTION

A memorial and resolution.

WHEREAS, Under the provisions of the laws of the United States relating to pensions for army nurses, passed August, 1892, it is provided that women who were employed, and who served as nurses in attendance upon the sick or wounded, in regimental posts, camps, or general hospitals of the armies of the United States for a period of six months or more, during the war of the rebellion; and,

WHEREAS, Under the laws of the United States, soldiers who served not less than three months, are entitled to pensions in certain cases; therefore, be it

Resolved, That it is the sense of the general assembly of Ohio, that women who were employed, and who served as army nurses for a period of three months or more, in attendance upon the sick and wounded, in regimental posts, camps or general hospitals of the armies of the United States, during the war of the rebellion, and who were honorably relieved from such service, and who are now, or may hereafter be unable to earn a support, should be entitled to receive a pension, as provided in said act relating to army nurses, passed in August, 1892; and be it further

Resolved, That the senators and members of the house of representatives from Ohio, in the congress of the United States, be, and they are hereby requested to introduce and endeavor to have passed the aforesaid amendments to the laws providing for pensions for army nurses.

Resolved, That a copy of these resolutions be sent to each senator and representative from Ohio in the congress.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902. 34

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Relative to printing of extra copies of substitute house bill No. 55 and amended house bill No. 57.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 500 additional copies of each of substitute for house bill No. 55 and amended house bill No. 57 for the use of the members.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 35

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Relative to printing 500 copies of senate bill No. 102.

Be it resolved by the General Assembly of the State of Ohio, That 500 additional copies of senate bill No. 102, by Mr. Wirt, be printed for the use of the members.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902. 36

[House Joint Resolution No. 36.]

JOINT RESOLUTION

Relative to the admission of Barbara Bolton to the Massillon asylum for the insane.

WHEREAS, One Barbara Bolton, a foreigner, has become insane and her insanity has assumed a form that renders it unsafe for her to be at large; and

WHEREAS, Under the statutes now in force the said Barbara Bolton is not eligible to admission to any insane asylum of this state, for the reason that she is not a legal resident thereof; and

WHEREAS, She is confined in the county infirmary of Columbiana county, Ohio, where proper care and attention suitable to her case can not be given; and

WHEREAS, She should be confined in an asylum for the insane, therefore

Be it resolved by the General Assembly of the State of Ohio: That the superintendent of the Massillon asylum for the insane, in compliance with section 700 of the Revised Statutes of Ohio, be, and is hereby authorized and required to admit said Barbara Bolton to said asylum as an inmate of the same. And the county sheriff of Columbiana county, Ohio, is authorized to convey her to said asylum.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 37

[House Joint Resolution No. 42.]

JOINT RESOLUTION

Concerning the return by the secretary of state of house bill No. 314.

Be it resolved by the General Assembly of the State of Ohio. That the secretary of state is hereby requested to return to the house, H. B. No. 314 by Mr. Brown (of Mercer), entitled "An act to authorize the board of education of Coldwater special school district of Coldwater, Ohio, to issue additional bonds to complete and furnish their new schoolhouse," for the purpose of correcting a clerical error appearing in the enrolled copy of said bill heretofore furnished the secretary of state.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902. 38

[House Joint Resolution No. 54.]

JOINT RESOLUTION

To pay a certain salary therein named.

Be it resolved by the General Assembly of the State of Ohio, That the speaker be, and he is hereby directed to issue his warrant upon the

auditor of state for the sum of seven hundred and fifty ($750.00) dollars in favor of Mrs. Otto Janson, widow of Otto Janson, late deceased member of this body, as a salary for the balance of his unexpired term.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 39

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

Relative to the printing of 500 extra copies of senate bill 155.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 500 extra copies of senate bill No. 155.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 18, 1902. 40

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

Relative to printing extra copies of senate bill No. 161.

Be it resolved by the General Assembly, That there be printed three hundred (300) additional copies of senate bill No. 161, for the use of the members.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 18, 1902. 41

[House Joint Resolution No. 53.]

JOINT RESOLUTION

Relative to the centennial anniversary of the admission of Ohio into the Union.

WHEREAS, On the 29th day of November, 1802, the first constitution of Ohio was ratified by the convention which framed it; and,

WHEREAS, On February 17, 1803, congress passed an act admitting Ohio into the Union under that constitution; and,

WHEREAS, On March 1, 1803, the first general assembly of Ohio assembled and organized and Ohio thereupon became a state; and,

WHEREAS, The Ohio State Archæological and Historical society proposes to celebrate the centennial anniversary of the above named great and important events in the history of Ohio in a suitable manner; and,

WHEREAS, The general assembly of the state of Ohio recognizes the importance and significance of these events and believes that they should be duly celebrated; therefore be it

Resolved, That the Ohio Archæological and Historical society be requested to take charge of said celebration and conduct it, and that the governor of this state be requested and empowered to appoint seven honorary commissioners to represent the state in the preparation for and carrying on of this centennial celebration.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 21, 1902. 42

[Senate Joint Resolution No. 38.]

JOINT RESOLUTION

Relative to printing extra copies of substitute for senate bill No. 161 by Mr. Moore.

Be it resolved by the General Assembly, That 300 extra copies of substitute for senate bill No. 161 by Mr. Moore, be printed for use of the members of the senate and house of representatives.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902. 43

[House Joint Resolution No. 55.]

JOINT RESOLUTION

[To set apart the old supreme court room as a soldiers' and sailors' memorial hall.]

WHEREAS, The 447 battle flags carried to victories on those hard-fought fields, are, with other relics now deposited in the state house in Columbus, in small, incommodious rooms, inconvenient of access, so that thousands of visitors of the state capitol are deprived of the pleasure and satisfaction of visiting said rooms; and,

WHEREAS, The citizens of Ohio, justly proud of the services of her sons in that war, have not as yet erected any suitable or permanent memorial to commemorate their deeds of heroism; therefore,

Be it resolved by the General Assembly of the State of Ohio. That the rooms now known as the "Old Supreme Court room" in the state house, in the city of Columbus, Ohio, be set apart as a soldiers' and sailors' memorial hall in which the flags and war relics now in the state house shall be deposited. There shall be appropriated out of the general revenue fund of the state not otherwise appropriated such an amount as may be deemed necessary by the general assembly to be expended under the direction of the governor and adjutant general in cleaning and painting of said supreme court room and erecting therein suitable glass cases against the walls wherein these flags are to be placed for display, and other cases along the walls to also display the now accumulated relics; be it further resolved, that said room may, during the legislative sessions, be used for a committee room and a place to be allotted for the stenographers for the members of the legislature.

This resolution to take effect from and after the adjournment of the 75th general assembly.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Passed April 25, 1902. 44

[Senate Joint Resolution No. 34.]

JOINT RESOLUTION

Relative to the erection of a suitable memorial in Columbus for the late William McKinley.

WHEREAS, The citizens of Columbus, Ohio, have contributed the sum of about twenty thousand dollars ($20,000) for the erection of a suitable memorial to commemorate the life and services of the late William McKinley; and,

WHEREAS, Said citizens desire to place said memorial structure upon the capital square within the west part thereof, or near the High street entrance thereto; therefore,

Be it resolved by the General Assembly of the State of Ohio: That for the purpose of defraying the cost of the erection of said memorial, an appropriation of twenty-five thousand dollars ($25,000) is hereby recommended, payable on or after February 15, 1903, out of the general revenues of the state not otherwise appropriated, on the condition that said citizens of Columbus shall on or before June 1, 1902, further contribute such amount as shall be necessary to create a like sum of twenty-five thousand dollars ($25,000) for the purpose aforesaid.

That the location of said memorial structure upon the said capital square shall be selected and approved by the governor, auditor of state, and secretary of state.

That the plans and specifications for said memorial structure be approved by the joint action of the governor, auditor of state, and secretary of state, and a similar committee duly appointed by the said citizens of Columbus.

That the disbursement of the amount hereby recommended to be appropriated by the state shall be under the control and subject to the approval of the governor, auditor of state, and secretary of state.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President pro tem. of the Senate.

Adopted April 28, 1902. 45

[House Joint Resolution No. 1]

JOINT RESOLUTION

Relative to the printing of a manual for legislative practice.

Be it resolved by the General Assembly of the State of Ohio: That the clerk of the senate and the clerk of the house, be, and they are hereby instructed to prepare a codification and revision of the rules of legislative practice for the use of the general assembly of the state of Ohio, and that after such revision and codification has been prepared it shall be submitted to the joint committee on rules for their approval, and that after such approval the commissioners of public printing be, and they are hereby directed to print and suitably bind 600 copies of the same for the use of the senate, to be delivered to the clerk of the senate, and 1,200 copies for the use of the house, to be delivered to the clerk of the house, and the printing, illustrating and binding of said manual, and the cost of distribution shall be paid for from the fund for state printing and binding.

W. S. McKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT.
President of the Senate.

Passed April 29, 1902. 46

[House Joint Resolution No. 58.]

JOINT RESOLUTION

To admit one Evan Davies to the Dayton state hospital for the insane, at Dayton, Ohio.

WHEREAS, One Evan Davies, a native and former resident of Butler county, Ohio, became insane about a year ago, while a resident of the state of Dakota, and was brought by his relatives to Butler county, Ohio; and

WHEREAS, Under the statutes now in force, the said Evan Davies is not eligible to admission to any insane asylum of this state for the reason that his insanity occurred while a resident of Dakota; and

WHEREAS, He is now confined in the county jail of Butler county, Ohio, where proper care and attention suitable to his case cannot be given; and

WHEREAS, He should be confined in a hospital; and

WHEREAS, He was born and reared and lived for forty years in said Butler county, Ohio, and was merely a "squatter" in said state of Dakota, his only relatives being residents of said Butler county, Ohio; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Dayton hospital for the insane, in compliance with section 700 of the Revised Statutes, be, and he is hereby authorized and required to admit said Evan Davies to said Dayton state hospital for the insane, at Dayton, Ohio, as an inmate of the same; and the sheriff of Butler county, Ohio, is authorized to convey him to said hospital.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 47

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Proposing to submit to the electors of the state a proposition to amend Article 13 of the Ohio state constitution.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1903, to amend section 3 of article XIII, of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XIII.

Sec. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

SECTION 2. At said election those electors desiring to vote for such amendment may have placed upon their ballots the words, "For single liability amendment," and those opposed to such amendment may have placed on their ballots the words, "Against single liability amendment."

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed April 29, 1902. 48

[Senate Joint Resolution No. 28.]

JOINT RESOLUTION

Providing for the amendment of section 2 of article XII of the constitution of the state of Ohio.

Be it resolved by the General Assembly of the State of Ohio: That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1903, to amend section 2 of article XII, of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

Sec. 2. The general assembly shall provide for the raising of revenue for all state and local purposes in such manner as it shall deem proper. The subjects of taxation for state and local purposes shall be classified, and the taxation shall be uniform on all subjects of the same class, and shall be just to the subject taxed. On burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.

At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Taxation amendment—yes;" and those opposed to such amendment may have placed upon their ballots the words "Taxation amendment—no."

Section 3. This amendment shall take effect on the first day of January, 1904.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Adopted April 29, 1902. 49

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to giving the governor the veto power by constitutional amendment.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, A. D. 1903, to amend section 16, of article 11, of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE 11.

Sec. 16. Every bill shall be fully and distinctly read three different days, unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law

shall be revived, or amended unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

Every bill passed by both houses of the general assembly shall, before said bill can become law, be presented to the governor. If he approves he shall sign said bill and thereupon said bill shall be law. If he object he shall not sign and shall return said bill, together with his objection thereto in writing, to the house wherein said bill originated, which house shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to repass said bill it shall be sent, together with said objection, to the other house, which shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to pass said bill it shall be law, otherwise it shall not be law. The votes for the repassage of said bill shall in each house respectively be no less than those given on the original passage. If any bill passed by both houses of the general assembly and presented to the governor is not signed and is not returned to the house wherein it originated and within ten days after being so presented, exclusive of Sunday and the day said bill was presented, said bill shall be law as in like manner as if signed, unless final adjournment of the general assembly prevents such return, in which case shall be law, unless objected to by the governor and filed, together with his objection thereto in writing, by him in the office of the secretary of state within the prescribed ten days; and the secretary of state shall at once make public said fact and shall return said bill, together with said objection, upon the opening of the next following session of the general assembly, to the house wherein said bill originated, where it shall be treated in like manner as if returned within the prescribed ten days.

If any bill passed by both houses of the general assembly and presented to the governor contains two or more sections, or two or more items of appropriation of money, he may object to one or more of said sections or to one or more of said items of appropriation of money, and approve the other portion of said bill, in which case said approved portion may be signed and then shall be law; and such section or sections, item or items of appropriation of money objected to shall be returned within the time and in the manner prescribed for, and shall be separately reconsidered as in the case of, a whole bill; but if final adjournment of the general assembly prevents such return the governor shall file said section or sections, item or items of appropriation of money, together with his objection thereto in writing, with the secretary of state as in the case of a whole bill, and the secretary of state shall then make public said fact, but shall not further act as in the case of a whole bill."

SECTION 2. At such election those electors desiring to vote for such amendment shall have placed upon their ballots the words "Constitutional amendment—governor's veto—yes;" and those opposed to such amendment shall have placed upon their ballots the words "Constitutional amendment—governor's veto—no."

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Adopted May 2, 1902.

[House Joint Resolution No. 20.]

JOINT RESOLUTION

Providing for the publication of Howe's historical collections of Ohio.

WHEREAS, The state of Ohio owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's historical collections of Ohio, centennial edition; and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the commissioners of public printing be and they are hereby directed and authorized to contract for on behalf of the state, for the printing from said plates and engravings, etc., of (8,000) eight thousand sets and binding thereof, in style and manner similar to and fully equal in quality as to binding, paper and workmanship to that furnished under house joint resolution No. 15, passed February 13, 1896 (92 O. L., 773), in sets of two volumes each, at a cost not to exceed one dollar and fifty cents per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following disposition and distribution made thereof: To the state library, for exchange, (50) fifty sets; to the Archæological Society of Ohio, (50) fifty sets, for exchange; to each member of the Seventy-fifth general assembly (75) seventy-five sets; and to the lieutenant governor (50)sets; to each officer and clerk of said general assembly, and to each legislative correspondent, (1) one set; and the remaining to be sold by the secretary of state, at two dollars ($2) per set, and the proceeds thereof paid into the state treasury to the credit of the general revenue fund.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 51

[House Joint Resolution No. 59.]

JOINT RESOLUTION

Relative to the sine die adjournment of the seventy-fifth general assembly.

Be it resolved by the General Assembly of the State of Ohio: That the 75th general assembly adjourn sine die on Monday, the twelfth day of May, A. D. 1902, at 12:00 o'clock meridian.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902. 52

[Senate Joint Resolution No. 40.]

JOINT RESOLUTION

Authorizing the board of trustees of the Dayton state hospital, to convey certain lands to the Dayton, Lebanon and Cincinnati Railway company.

WHEREAS, The Dayton, Lebanon and Cincinnati Railway company has submitted to the board of trustees of the Dayton state hospital a plan and map of a proposed railroad and spur track to the hospital farm and grounds; and

WHEREAS, The board has considered said proposition and plan and are of opinion that the building of said road and spur track are desirable improvements for the public generally, and for furnishing better facilities for the handling of supplies for the hospital; therefore

Be it resolved by the General Assembly of the State of Ohio, That the board of trustees recommend that the general assembly of the state of Ohio authorize the conveyance by a proper deed in fee simple of strips of ground to be located by said trustees and 75 feet in width to the said The Dayton, Lebanon and Cincinnati Railway company for the construction of its main line tracks on the following conditions, to-wit:

First. Said railroad company to construct and forever maintain frogs and connections for a spur track into the hospital grounds as agreed upon by said trustees.

Second. Said railroad company to erect and maintain on both sides of its said line so to be conveyed such fence as the law requires to the satisfaction of the board of trustees.

Third. Said railroad to secure at its own cost a right of way for switch or spur track from its main track to the hospital grounds as agreed upon by said trustees.

Fourth. Said railroad company at its own cost to construct and maintain so long as the state may desire a sufficient track or spur from said connection with its main track to the boiler house near the hospital building, being about 3,000 feet in length.

Fifth. Said railroad company so long as the state desires to transfer cars between the transfer track at the union station in Dayton, Ohio, or points between said union station and the hospital grounds, when cars are shipped to Dayton over other roads or loaded at a maximum charge $3.50 per car; and when cars are billed over the said The Dayton, Lebanon and Cincinnati railroad no switching charges to be made; said switching charges above named to cover the handling of the empty cars.

Sixth. Nothing herein to be construed to give to said Dayton, Lebanon and Cincinnati Railway company any right to or interest in the lands of the state covered by said switch or spur track except the right to use the same for transferring cars for the use of said hospital and the right to enter the same for the purposes of construction, maintenance and repair of the same. Should the state at any time abandon the use of said spur track the said Dayton, Lebanon and Cincinnati Railway company shall have the right to remove the same.

Seventh. Said Dayton, Lebanon and Cincinnati Railway company to construct and maintain at its own cost and expense suitable crossings over its said track for the passage of vehicles and teams as may be neces-

sary in the use of said hospital grounds and as shall be directed by said trustees.

Eighth. That said Dayton, Lebanon and Cincinnati Railway company upon execution and delivery of the deed for said strips of ground pay to the state of Ohio the sum of $300.00; now, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the president and secretary of the board of trustees of the Dayton state hospital, be and they are hereby, authorized and directed to make, execute and deliver to the Dayton, Lebanon and Cincinnati Railway company a good and sufficient deed of three strips of land so to be selected by them and not exceeding in the aggregate 3 2-5 acres for the uses and purposes of a right of way for said railroad company.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902.

53

[House Joint Resolution No. 50.]

JOINT RESOLUTION

To appoint a special committee to examine the claims of the city of Columbus, Ohio, against the state of Ohio.

WHEREAS, The city of Columbus, Ohio hold claim against the state of Ohio, for the cost and expense of paving, improving and maintaining streets bounding and abutting state property, said claims amounting to $195,124.99, and,

WHEREAS, The state of Ohio, in an act passed by the general assembly, April 16, 1885 (82 v. 122) declared itself as liable for an equitable proportion of such expense, therefore,

Be it resolved by the General Assembly of the State of Ohio: That the auditor of state, the treasurer of state and the attorney general be and they are hereby appointed a special commitee to examine said claims as to their validity and equity, and report its findings to the next general assembly.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 6, 1902.

54

[House Joint Resolution No. 39.]

JOINT RESOLUTION

[To amend section 2 of article eleven, Ohio state constitution.]

Be it resolved by the General Assembly of the State of Ohio: (Three-fifths of all the members elected to each house concurring therein), That a proposition shall be submitted to the electors of the state of Ohio, on the

first Tuesday after the first Monday of November, 1903, to amend section 2, article II, of the costitution of the state, so that it shall read as follows:

Section 2, Article II.—Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives; and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative.

Section 2. At said election the voters in favor of the adoption of the amendment to section 2, article II, shall have placed upon their ballots the words, "Amendment to section 2, article II, of constitution—Yes," and those who do not favor the adoption of said amendment shall have placed upon their ballots the words, "Amendment to section 2, article II, of constitution—No."

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed Mav 6. 1902. 55

Senate Joint Resolution No. 41.]

JOINT RESOLUTION

Providing for the printing of five hundred additional copies of senate bill No. 24.

Be it resolved by the 75th General Assembly of the State of Ohio, That there be printed for the use of the members, 500 copies of senate bill, (Game Bill) No. 24, Mr. Archer.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 10, 1902. 56

[Senate Joint Resolution No. 43.]

JOINT RESOLUTION

Providing for the admission of Mary E. Bousher into the Toledo state hospital for the insane.

WHEREAS, Mary E. Bousher having been a resident of Paulding county, state of Ohio, and having, on to-wit, March 20, 1901, removed therefrom to the state of Michigan; and

WHEREAS, After such removal, and before she had been a resident of said state of Michigan for the period of one year she became insane; and,

WHEREAS, By the statutes of the state of Michigan, by reason of not having been a resident of such state for the period of one year prior to her insanity, she is ineligible to be cared for in the insane hospital of said state; therefore,

Be it resolved by the General Assembly, That the trustees of the Toledo state hospital be, and they are hereby authorized and empowered to receive into said institution the said Mary E. Bousher on the same terms and conditions as resident patients of the state of Ohio.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 57

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

A resolution to authorize the secretary of state to return a certain fee.

WHEREAS, On March 3d, 1902, W. A. Bradford, Jr., and others filed with the secretary of state a certificate of incorporation of a company under the corporate name of the Cincinnati & Indiana Railroad Company, and paid to the secretary of state the statutory fee of $500.00 therefor; and,

WHEREAS, The secretary of state was informed and believed that another company, organized under the laws of Ohio, in 1861, having the same name, and appearing on the records of said office, was not in existence at the time of filing such application; which information was afterwards discovered to be incorrect, said old company of the same name being actually in existence; and,

WHEREAS, The statute forbids the filing of certificates in such cases; and,

WHEREAS, Upon the 7th day of March, 1902, Wm. A. Bradford, Jr., and others, being the same parties who filed the first certificate, duly filed with the secretary of state a new certificate, in all respects identical with the first, except that it changed the name to The Cincinnati & Indiana Western Railroad Company, and at the same time offered to return to him the original certificate for cancellation; and

WHEREAS, The secretary of state believing that he had no authority to file said new certificate and cancel the old, without the payment of an additional fee of $500.00, required said Wm. A. Bradford, Jr., and others to pay the same, which was done under protest; now, therefore

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be, and he is hereby authorized and directed to refund to said Wm. A. Bradford, Jr., and others said sum of $500.00, paid as said first fee, upon the surrender for cancellation of the said original certificate.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 58

[Senate Joint Resolution No. 42.]

JOINT RESOLUTION

elative to granting consent to The Columbus Railway Company to pass in front of certain state institutions.

Be it resolved by the General Assembly of the State of Ohio: That he board of trustees of the Columbus state hospital for insane, and the oard of trustees of the Ohio institution for feeble-minded youth are ereby authorized to grant to the Columbus railway company the right o construct a double track street railway on West Broad street in front f the property of the above institutions, belonging to the state of Ohio.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 59

[Senate Joint Resolution No. 37.]

JOINT RESOLUTION

Authorizing the trustees of the Ohio state hospital to grant right of way for a sewer.

Be it resolved by the General Assembly of the State of Ohio: That the trustees of the Ohio state hospital be and they are hereby authorized to grant to the city of Columbus, Ohio, the right of way for the construction of a sanitary sewer through the grounds of the Ohio state hospital in such manner and upon such line or lines as to the said trustees may seem advisable.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 60

[House Joint Resolution No. 47.]

JOINT RESOLUTION

Relating to senate bill 2028 pending in the senate of the United States.

WHEREAS, The following bill has been introduced by Hon. Joseph B. Foraker, and is now pending in the senate of the United States, to-wit:

Granting a pension to Wilson W. Brown and others.

Be it enacted by the senate and house of representatives of the United States of America in Congress assembled: That the secretary of the interior be and he is hereby authorized and directed to place on the pension roll, at the rate of one hundred dollars per month, the names of Wilson W. Brown, company F, twenty-first regiment, Ohio volunteer infan-

try; William J. Knight, company E, twenty-first regiment, Ohio volunteer infantry; William Bensinger, company G, twenty-first Ohio volunteer infantry; John A. Wilson, company C, twenty-first regiment, Ohio volunteer infantry; Jacob Parrott, company K, thirty-third regiment, Ohio volunteer infantry; William H. Reddick, company B, thirty-third regiment, Ohio volunteer infantry, and Daniel A. Dorsey, company H, thirty-third regiment, Ohio volunteer infantry. The pension herein provided to be in lieu of any and all pensions now received by said soldiers whether under the general law or by special act of congress. And

WHEREAS, It is the sense of this general assembly that said bill should become a law, therefore,

Be it resolved by the General Assembly of the State of Ohio: That our senators and representatives in congress be and they are hereby respectfully urged to give said measure their hearty support, and, to use all proper means to procure the enactment of said bill into law.

Be it further resolved, That a copy of these resolutions, duly certified, be forwarded by the governor to each of our senators and representatives in congress.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 61

[House Joint Resolution No. 62.]

JOINT RESOLUTION

Assigning rooms in the capitol building.

Be it resolved by the General Assembly of the State of Ohio, That the rooms in the new state capitol building and in the rooms vacated in the present capitol be and are hereby reassigned as follows:

JUDICIARY BUILDING.

First Floor.

The large room on the west side of the north end is assigned to the state board of public works.

The small room next south is assigned as a receiving and shipping room for all departments in the building.

The room directly north of the rotunda is assigned to the state board of agriculture for storage and general purposes.

The large room on west side of south end is assigned to the state board of health.

The four rooms on the southeast corner are assigned to the superintendent of insurance and building and loan associations.

The five rooms in the northeast corner are assigned to the state board of agriculture.

Second Floor.

The large room in the north end is assigned to the law library.

The adjoining room on the west side and the three adjoining rooms on the east side are assigned for the use of the law librarian and for attorneys' consultation rooms.

The three rooms at the southeast corner are assigned to the attorney-general.

The two remaining rooms on the east side are assigned to the state board of charities.

The four rooms at the southwest corner are assigned to the clerk of the supreme court.

The room directly south of the rotunda, now occupied by the state board of medical registration and examiners and state board of pharmacy, is assigned to the commissioner of labor statistics.

Third Floor.

This entire floor is assigned to the supreme court, for court rooms, judges' rooms, consultation rooms, etc.

Inter Floor.

The five rooms on the south side are assigned to the state board of health for the use of its chemical laboratory, bacteriological and engineers' department.

The first two rooms on north side assigned to the state board of arbitration; and

The next room south of these two rooms, and now used by the board of arbitration, is assigned to the state board of medical registration and examination, and the state board of pharmacy, for the joint use of their secretaries.

OLD BUILDING.

The room formerly occupied by the state board of charities is assigned to the state commissioner of soldier's claims.

The rooms vacated by the state board of agriculture are assigned to the adjutant general.

The rooms vacated by the state board of public works are assigned to the inspector of mines and mining.

The room vacated by the adjutant general is assigned to the secretary of state.

The room vacated by the attorney general is assigned to the commissioner of railroads and telegraphs.

The room occupied by the commissioner of labor statistics is assigned to the state library, together with the rooms now occupied by it.

The two east rooms vacated by the superintendent of insurance are assigned to the state dairy and food commissioner.

The remaining room vacated by the superintendent of insurance is assigned to the inspector of workshops and factories.

The room vacated by the dairy and food commissioner is assigned to the auditor of state.

The room vacated by the state board of health is assigned to the state board of appraisers and assessors.

The room formerly occupied by the supreme court as a consultation room is assigned to the house of representatives for the use of the finance committee.

The room vacated by the law library is assigned to the house of representatives for a committee room.

The rooms vacated by the clerk of the supreme court are assigned to the state fire marshal, except the press room.

One of the rooms on the west side of the building, adjoining the law library, is assigned to the state examiner of engineers, which is the room he now occupies.

The large room formerly used as a supreme court room is assigned as a flag room and for an assembly room, to be under the authority of the adjutant general.

The private office at the east of the south corridor to be removed and the corridor to be restored to its original condition.

The rooms now occupied by the governor, secretary of state, auditor of state, treasurer of state, school commissioner, commissioner of railroads and telegraphs, and supervisor of public printing, are hereby reassigned to the use of said officers.

W. S. McKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 12, 1902. 62

STATE OF OHIO,

OFFICE OF THE SECRETARY OF STATE.

I, LEWIS C. LAYLIN, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-fifth general assembly of the state of Ohio, at its regular session, begun January 6, 1902, and ended May 12, 1902, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 18th day of July, A. D. 1902.

LEWIS C. LAYLIN,
Secretary of State.

[Seal.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1902.

County.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Adams	West Union	4	April 1, Nov. 6...	7	2	Jan. 6, April 14, Sep. 22.
Allen	Lima	3	April 8, Nov. 11...	3	1	Jan. 27, April 14, Oct. 6.
Ashland	Ashland	5	May 13, Nov. 5....	6	2	Feb. 17, May 12, Nov. 17.
Ashtabula	Jefferson	7	Jan. 27, Sept. 22...	9	3	Jan. 6, April 7, Sept. 15.
Athens	Athens	4	Jan. 22, Sept. 23...	7	3	Feb. 3, April 28, Nov. 10.
Auglaize	Wapakoneta	3	April 22, Nov. 18..	3	1	Jan. 13, April 7, Oct. 6.
Belmont	St. Clairsville	7	June 2, Dec. 15...	8	2	Jan. 7, April 8, Oct. 14.
Brown	Georgetown	4	April 8, Nov. 11...	5	1	Jan. 6, April 28, Sept. 15.
Butler	Hamilton	1	April 8, Oct. 6.....	2	1	Jan. 6, May 5, Sept. 29.
Carroll	Carrollton	7	April 14, Nov. 12..	9	1	Jan. 20, May 19, Sept. 29.
Champaign	Urbana	2	April 14, Nov. 17..	2	2	Jan. 6, May 5, Oct. 6.
Clark	Springfield	2	May 5, Dec. 8....	2	2	Jan. 6, May 5, Oct. 6.
Clermont	Batavia	1	April 1, Oct. 1....	5	1	Jan. 21, April 22, Oct. 14.
Clinton	Wilmington	1	April 28, Oct. 27..	2	3	Jan 6, May 5, Oct. 6.
Columbiana	Lisbon	7	March 31, Nov. 5..	9	1	Jan. 13, April 14, Sep. 29.
Coshocton	Coshocton	5	May 20, Oct. 28...	6	3	Feb. 3, May 26, Oct. 13.
Crawford	Bucyrus	3	Jan. 21, Sept. 23...	10	2	Feb. 10, May 5, Oct. 27.
Cuyahoga	Cleveland	8	Jan. 13, Oct. 20...	4	3	Jan. 6, April 7, July 7, Sept. 22.
Darke	Greenville	2	April 21, Nov. 24..	2	2	Jan. 6, May 5, Oct. 6.
Defiance	Defiance	3	March 11, Oct. 21.	3	2	Mch. 10, June 2, Nov. 10.
Delaware	Delaware	5	June 17, Dec. 16..	6	1	Jan. 6, April 8, Sept. 15.
Erie	Sandusky	6	April 14, Nov. 17.	4	1	Jan. 6, April 8, Sept. 22.
Fairfield	Lancaster	5	Jan. 7, Sept. 2....	7	1	Jan. 14, April 14, Oct. 14.
Fayette	Washington C. H.	2	April 28, Dec. 1....	5	2	Jan. 6, April 14, Oct. 14.
Franklin	Columbus	2	Jan. 6, Sept. 29...	5	3	Jan. 6, April 14, Sept. 15.
Fulton	Wauseon	6	April 30, Dec. 3...	3	3	Feb. 10, May 12, Oct. 27.
Gallia	Gallipolis	4	Feb. 25, Oct. 14...	7	3	Feb. 18, May 13, Oct. 21.
Geauga	Chardon	7	Feb. 10, Sept. 29..	9	3	Jan. 6, April 7, Sept. 15.
Greene	Xenia	2	March 24, Oct. 27.	2	3	Jan. 6, May 5, Oct. 6.
Guernsey	Cambridge	7	April 21, Nov. 17..	8	1	Feb. 10, May 5, Oct. 6.
Hamilton	Cincinnati	1	Jan. 2, Nov. 3....	1	.....	Jan. 6, April 7, July 7, Oct. 6.
Hancock	Findlay	3	May 20, Dec. 9....	10	1	Jan. 6, Mar. 31, Sept. 15.
Hardin	Kenton	3	Feb. 11, Oct. 1....	10	1	Jan. 6, Mar. 31, Sept. 15.
Harrison	Cadiz	7	May 12, Dec. 1....	8	3	Feb. 25, May 20, Nov. 11.
Henry	Napoleon	3	Feb. 25, Oct. 14...	3	3	Mar. 10, June 9, Nov. 24.
Highland	Hillsboro	4	April 23, Nov. 19..	5	2	Jan. 6, April 14, Oct. 14.
Hocking	Logan	4	Feb. 4, Sept. 30....	7	1	Jan. 6, April 14, Sept. 15.
Holmes	Millersburg	5	May 27, Nov. 18...	6	3	Jan. 6, April 21, Sept. 15.
Huron	Norwalk	6	March 31, Nov. 6..	4	1	Jan. 6, April 8, Oct. 6.
Jackson	Jackson	4	June 3, Dec. 16....	7	2	Feb. 11, May 13, Oct. 21.
Jefferson	Steubenville	7	May 19, Dec. 8...	8	3	Jan. 6, Mar. 31, Sept. 8.
Knox	Mt. Vernon	5	March 18, Oct. 7..	6	1	Feb. 10, May 5, Nov. 10.
Lake	Painesville	7	Jan. 20, Sept. 16...	9	3	Feb. 3, May 5, Oct. 13.
Lawrence	Ironton	4	March 4, Oct. 21..	7	2	Feb. 10, May 6, Oct. 14.
Licking	Newark	5	March 25, Oct. 14.	6	1	Jan. 6, April 14, Sept. 22.
Logan	Bellefontaine	3	Feb. 18, Oct. 7....	10	3	Feb. 3, April 21, Oct. 20.
Lorain	Elyria	8	April 28, Oct. 6...	4	2	Feb. 17, May 12, Oct. 20.
Lucas	Toledo	6	Jan. 6, Sept. 29...	4	1	Jan. 6, April 1, Sept. 22.
Madison	London	2	March 31, Nov. 5.	5	2	Feb. 17, May 19, Nov. 24.
Mahoning	Youngstown	7	March 10, Oct. 20.	9	2	Jan. 6, May 5, Sept. 15.
Marion	Marion	3	Jan. 14, Sept. 16..	10	2	Jan. 27, April 23, Sep. 29.
Medina	Medina	8	May 5, Oct. 13....	4	2	Jan. 6, April 7, Sept. 15.
Meigs	Pomeroy	4	Feb. 18, Oct. 9....	7	3	Jan. 6, April 7, Sept. 29.
Mercer	Celina	3	April 29, Nov. 25..	3	1	Jan. 13, April 7, Oct. 6.
Miami	Troy	2	April 8, Nov. 10..	2	2	Jan. 6, April 21, Oct. 6.
Monroe	Woodsfield	7	April 28, Nov. 24..	7	3	Jan. 14, April 15, Sep. 29.
Montgomery	Dayton	2	May 19, Dec. 15...	2	3	Jan. 6, May 5, Oct. 6.
Morgan	McConnelsville	5	April 29, Nov. 24..	8	1	Jan. 6, May 5, Oct. 6.
Morrow	Mt. Gilead	5	June 10, Dec. 9....	6	2	Jan. 20, April 21, Oct. 6.
Muskingum	Zanesville	5	April 22, Oct. 21...	8	1	Jan. 6, April 8, Oct. 6.
Noble	Caldwell	7	May 5, Nov. 28....	8	1	Jan. 14, April 15, Sep. 16.
Ottawa	Port Clinton	6	May 21, Dec. 18...	4	1	Feb. 24, June 16, Nov. 17.
Paulding	Paulding	3	March 4, Oct. 16..	3	2	Jan. 13, April 7, Sep. 15.
Perry	New Lexington	5	May 6, Nov. 11...	7	1	Feb. 10, May 12, Nov. 10.
Pickaway	Circleville	4	May 6, Nov. 25...	5	2	Jan. 6, April 14, Oct. 14.
Pike	Waverly	4	May 27, Dec. 10...	7	2	Jan. 6, April 8, Sept. 22.
Portage	Ravenna	7	Feb. 17, Oct. 6....	9	2	Jan. 6, April 7, Sep. 8.
Preble	Eaton	2	April 17, Nov. 20..	2	2	Jan. 6, May 5, Oct. 6.
Putnam	Ottawa	3	March 25, Oct. 28.	3	3	Jan. 6, April 8, Sep. 22.
Richland	Mansfield	5	Jan. 14, Sept. 9....	6	2	Feb. 3, Sep. 15, Dec. 8.
Ross	Chillicothe	4	May 13, Dec. 2....	5	2	Jan. 13, April 14, Oct. 20.
Sandusky	Fremont	6	May 5, Dec. 8.....	4	1	Jan. 6, April 14, Oct. 6.
Scioto	Portsmouth	4	March 18, Oct. 28.	7	2	Jan. 6, April 14, Sept. 22.

TIMES FOR HOLDING THE CIRCUIT COURTS, ETC.—Concluded.

County.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Seneca	Tiffin	3	May 6, Dec. 2....	10	1	Feb. 3, April 21, Oct. 13.
Shelby	Sidney	2	April 3, Nov. 7....	3	1	Feb. 24, May 19, Nov. 10.
Stark	Canton	5	Feb. 25, Sept. 30..	9	1	Jan. 6, May 5, Sep. 15.
Summit	Akron	8	April 14, Sept. 22..	4	2	Jan. 13, April 28, Oct. 6.
Trumbull	Warren	7	Feb. 24, Oct. 13...	9	2	Jan. 27, May 5, Sep. 29.
Tuscarawas ..	New Philadelphia.	5	June 3, Dec. 2....	8	3	Jan. 6, April 7, Sep. 22.
Union	Marysville	3	Feb. 4, Sept. 30...	10	3	Jan. 6, March 17, Sep. 15.
Van Wert	Van Wert.....	3	March 18, Nov. 4.	3	1	Feb. 24, May 19, Nov. 10.
Vinton	McArthur	4	Feb. 11, Oct. 7....	7	3	Feb. 11, May 20, Oct. 28.
Warren	Lebanon	1	April 21, Oct. 20...	2	3	Jan. 6, May 5, Oct. 6.
Washington .	Marietta	4	Jan. 7, Sept. 17...	7	3	Jan. 14, April 8, Sep. 23.
Wayne	Wooster	5	Feb. 11, Sept. 23..	6	3	Jan. 13, April 14, Sep. 8.
Williams	Bryan	6	April 28, Dec. 1..	8	2	Feb. 11, May 6, Oct. 14.
Wood	Bowling Green....	6	March 10, Sept. 8.	10	1	Jan. 6, Mar. 31, Sep. 15.
Wyandot	Upper Sandusky..	3	Jan. 7, Sept. 9....	10	2	Jan. 20, April 7, Sept. 15.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, LEWIS C. LAYLIN, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1902, taken from the official lists returned by the judges of said courts to this office.

WITNESS my hand and official seal, this 20th day of November, A. D. 1901.

LEWIS C. LAYLIN,
Secretary of State.

[SEAL.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1902.

County.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts
Adams	West Union	4	April 1, Nov. 6...	7	2	Jan. 6, April 14, Sep.
Allen	Lima	3	April 8, Nov. 11...	3	1	Jan. 27, April 14, Oct.
Ashland	Ashland	5	May 13, Nov. 5....	6	2	Feb. 17, May 12, Nov.
Ashtabula	Jefferson	7	Jan. 27, Sept. 22....	9	3	Jan. 6, April 7, Sept.
Athens	Athens	4	Jan. 22, Sept. 23...	7	3	Feb. 3, April 28, Nov.
Auglaize	Wapakoneta	3	April 22, Nov. 18..	3	1	Jan. 13, April 7, Oct.
Belmont	St. Clairsville	7	June 2, Dec. 15...	8	2	Jan. 7, April 8, Oct. 14.
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Butler	Hamilton	1	April 8, Oct. 6.....	2	1	Jan. 6, May 5, Sept.
Carroll	Carrollton	7	April 14, Nov. 12..	9	1	Jan. 20, May 19, Sept.
Champaign	Urbana	2	April 14, Nov. 17..	2	2	Jan. 6, May 5, Oct. 6
Clark	Springfield	2	May 5, Dec. 8....	2	2	Jan. 6, May 5, Oct. 6.
Clermont	Batavia	1	April 1, Oct. 1....	5	1	Jan. 21, April 22, Oct.
Clinton	Wilmington	1	April 28, Oct. 27..	2	3	Jan 6, May 5, Oct. 6.
Columbiana	Lisbon	7	March 31, Nov. 5..	9	1	Jan. 13, April 14, Sep.
Coshocton	Coshocton	5	May 20, Oct. 28...	6	3	Feb. 3, May 26, Oct.
Crawford	Bucyrus	3	Jan. 21, Sept. 23...	10	2	Feb. 10, May 5, Oct.
Cuyahoga	Cleveland	8	Jan. 13, Oct. 20...	4	3	Jan. 6, April 7, July Sept. 22.
Darke	Greenville	2	April 21, Nov. 24..	2	2	Jan. 6, May 5, Oct.
Defiance	Defiance	3	March 11, Oct. 21.	3	2	Mch. 10, June 2, Nov.
Delaware	Delaware	5	June 17, Dec. 16..	6	1	Jan. 6, April 8, Sept.
Erie	Sandusky	6	April 14, Nov. 17.	4	1	Jan. 6, April 8, Sept.
Fairfield	Lancaster	5	Jan. 7, Sept. 2....	7	1	Jan. 14, April 14, Oct.
Fayette	Washington C. H.	2	April 28, Dec. 1...	5	2	Jan. 6, April 14, Oct.
Franklin	Columbus	2	Jan. 5, Sept. 29...	5	3	Jan. 6, April 14, Sept.
Fulton	Wauseon	6	April 30, Dec. 3...	3	3	Feb. 10, May 12, Oct.
Gallia	Gallipolis	4	Feb. 25, Oct. 14...	7	3	Feb. 18, May 13, Oct.
Geauga	Chardon	7	Feb. 10, Sept. 29..	9	3	Jan. 6, April 7, Sept.
Greene	Xenia	2	March 24, Oct. 27.	2	3	Jan. 6, May 5, Oct.
Guernsey	Cambridge	7	April 21, Nov. 17..	8	1	Feb. 10, May 5, Oct.
Hamilton	Cincinnati	1	Jan. 2, Nov. 3....	1	.....	Jan. 6, April 7, July Oct. 6.
Hancock	Findlay	3	May 20, Dec. 9....	10	1	Jan. 6, Mar. 31, Sept.
Hardin	Kenton	3	Feb. 11, Oct. 1....	10	1	Jan. 6, Mar. 31, Sept.
Harrison	Cadiz	7	May 12, Dec. 1....	8	3	Feb. 25, May 20, Nov.
Henry	Napoleon	3	Feb. 25, Oct. 14...	3	3	Mar. 10, June 9, Nov.
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Hocking	Logan	4	Feb. 4, Sept. 30....	7	1	Jan. 6, April 14, Sept.
Holmes	Millersburg	5	May 27, Nov. 18....	6	3	Jan. 6, April 21, Sept.
Huron	Norwalk	6	March 31, Nov. 6..	4	1	Jan. 6, April 8, Oct.
Jackson	Jackson	4	June 3, Dec. 16....	7	2	Feb. 11, May 13, Oct.
Jefferson	Steubenville	7	May 19, Dec. 8...	8	3	Jan. 6, Mar. 31, Sept.
Knox	Mt. Vernon	5	March 18, Oct. 7..	6	1	Feb. 10, May 5, Nov.
Lake	Painesville	7	Jan. 20, Sept. 16..	9	3	Feb. 3, May 5, Oct.
Lawrence	Ironton	4	March 4, Oct. 21..	7	2	Feb. 10, May 6, Oct.
Licking	Newark	5	March 25, Oct. 14.	6	1	Jan. 6, April 14, Sept.
Logan	Bellefontaine	3	Feb. 18, Oct. 7....	10	3	Feb. 3, April 21, Oct.
Lorain	Elyria	8	April 28, Oct. 6...	4	2	Feb. 17, May 12, Oct.
Lucas	Toledo	6	Jan. 6, Sept. 29...	4	1	Jan. 6, April 1, Sept.
Madison	London	2	March 31, Nov. 5.	5	2	Feb. 17, May 19, Nov.
Mahoning	Youngstown	7	March 10, Oct. 20.	9	2	Jan. 6, May 5, Sept.
Marion	Marion	3	Jan. 14, Sept. 16..	10	2	Jan. 27, April 23, Sep.
Medina	Medina	8	May 5, Oct. 13....	4	2	Jan. 6, April 7, Sept.
Meigs	Pomeroy	4	Feb. 18, Oct. 9....	7	3	Jan. 6, April 7, Sept.
Mercer	Celina	3	April 29, Nov. 25..	3	1	Jan. 13, April 7, Oct.
Miami	Troy	2	April 8, Nov. 10..	2	2	Jan. 6, April 21, Oct.
Monroe	Woodsfield	7	April 28, Nov. 24..	7	3	Jan. 14, April 15, Sep.
Montgomery	Dayton	2	May 19, Dec. 15...	2	3	Jan. 6, May 5, Oct. 6
Morgan	McConnelsville	5	April 29, Nov. 24..	8	1	Jan. 6, May 5, Oct. 6
Morrow	Mt. Gilead	5	June 10, Dec. 9....	6	2	Jan. 20, April 21, Oct.
Muskingum	Zanesville	5	April 22, Oct. 21...	8	1	Jan. 6, April 8, Oct. 6
Noble	Caldwell	7	May 5, Nov. 28....	8	1	Jan. 14, April 15, Sep.
Ottawa	Port Clinton	6	May 21, Dec. 18...	4	1	Feb. 24, June 16, Nov.
Paulding	Paulding	3	March 4, Oct. 16..	3	2	Jan. 13, April 7, Sep.
Perry	New Lexington	5	May 6, Nov. 11...	7	1	Feb. 10, May 12, Nov.
Pickaway	Circleville	4	May 6, Nov. 25...	5	2	Jan. 6, April 14, Oct.
Pike	Waverly	4	May 27, Dec. 10...	7	2	Jan. 6, April 8, Sept.
Portage	Ravenna	7	Feb. 17, Oct. 6....	9	2	Jan. 6, April 7, Sep.
Preble	Eaton	2	April 17, Nov. 20..	2	2	Jan. 6, May 5, Oct. 6
Putnam	Ottawa	3	March 25, Oct. 28.	3	3	Jan. 6, April 8, Sep.
Richland	Mansfield	5	Jan. 14, Sept. 9....	6	2	Feb. 3, Sep. 15, Dec.
Ross	Chillicothe	4	May 13, Dec. 2....	5	2	Jan. 13, April 14, Oct.
Sandusky	Fremont	6	May 5, Dec. 8.....	4	1	Jan. 6, April 14, Oct.
Scioto	Portsmouth	4	March 18, Oct. 28.	7	2	Jan. 6, April 14, Sept.

TIMES FOR HOLDING THE CIRCUIT COURTS, ETC.—Concluded.

County.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Seneca	Tiffin	8	May 6, Dec. 2....	10	1	Feb. 3, April 21, Oct. 13.
Shelby	Sidney	2	April 3, Nov. 7....	3	1	Feb. 24, May 19, Nov. 10.
Stark	Canton	5	Feb. 25, Sept. 30..	9	1	Jan. 6, May 5, Sep. 15.
Summit	Akron	8	April 14, Sept. 22..	4	2	Jan. 13, April 28, Oct. 6.
Trumbull	Warren	7	Feb. 24, Oct. 13...	9	2	Jan. 27, May 5, Sep. 29.
Tuscarawas ..	New Philadelphia.	5	June 3, Dec. 2....	8	3	Jan. 6, April 7, Sep. 22.
Union	Marysville	3	Feb. 4, Sept. 30...	10	3	Jan. 6, March 17, Sep. 15.
Van Wert	Van Wert.....	3	March 18, Nov. 4.	3	1	Feb. 24, May 19, Nov. 10.
Vinton	McArthur	4	Feb. 11, Oct. 7....	7	3	Feb. 11, May 20, Oct. 28.
Warren	Lebanon	1	April 21, Oct. 20...	2	3	Jan. 6, May 5, Oct. 6.
Washington .	Marietta	4	Jan. 7, Sept. 17...	7	3	Jan. 14, April 8, Sep. 23.
Wayne	Wooster	5	Feb. 11, Sept. 23..	6	3	Jan. 13, April 14, Sep. 8.
Williams	Bryan	6	April 28, Dec. 1..	3	2	Feb. 11, May 6, Oct. 14.
Wood	Bowling Green....	6	March 10, Sept. 8.	10	1	Jan. 6, Mar. 31, Sep. 15.
Wyandot	Upper Sandusky..	3	Jan. 7, Sept. 9....	10	2	Jan. 20, April 7, Sept. 15.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, LEWIS C. LAYLIN, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1902, taken from the official lists returned by the judges of said courts to this office.

WITNESS my hand and official seal, this 20th day of November, A. D. 1901.

LEWIS C. LAYLIN,
Secretary of State.

[SEAL.]

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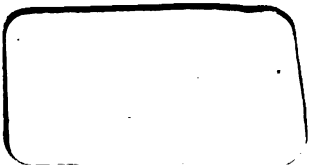
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